

2-1



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

DATE: APRIL 27, 2006

TO: PLANNING COMMISSION

FROM: MURRY WILSON – PLANNING STAFF

VIA: WARREN HOAG – DIVISION MANAGER, CURRENT PLANNING

SUBJECT: **REVISIONS TO THE MALOUIN / COASTAL DEVELOPMENT PERMIT
DRC2004-00066 (REQUESTED BY PLANNING COMMISSION)**

**RECOMMENDATION: STAFF RECOMMENDS APPROVAL OF THE PROJECT
BASED ON THE ATTACHED FINDINGS AND THE ATTACHED REVISED
CONDITIONS OF APPROVAL.**

Discussion:

This item was continued from the January 26, 2006 Planning Commission hearing. The Planning Commission gave direction to the applicant to return with a project that addressed the following issue areas: 1) Demonstrate that there are no invisible building sites (from Highway 1), and if not, that the minimum amount of visual mitigation (berms) are being proposed (consistent with the North Coast Rural Area Standard – Site Selection Criteria); 2) include the grading for the future dressage arena as part of this application; and 3) reduce the area / quantity of disturbance where feasible.

The applicant has submitted revised plans per the direction of the Planning Commission which includes the following: 1) Siting the single family residence such that the residence will be completely invisible from anywhere on Highway 1 without the use of artificial berms (consistent with the North Coast Rural Area Standard - Site Selection Criteria); 2) siting of a 16,800 square foot dressage arena adjacent to the proposed barn; and 3) reduction of the total area of disturbance by 10 percent (from 4.95 acres to 4.46 acres).

The project has been modified to allow for siting the single family residence without the need for an artificial earthen berm (consistent with the North Coast Rural Area Standard - Site Selection Criteria). Numerous modifications have been made to allow for construction of the residence without an artificial earthen berm as follows: Relocation of the building pad approximately 100 feet to the southeast; reduction of the maximum building footprint from 70' x 80' to 55' x 86'; utilization of a stepped foundation; and a reduction in the maximum allowed height of the proposed residence.

An additional project Visibility Confirmation Report (attached to the revised Mitigated Negative Declaration) dated February 27, 2006 was conducted at the project site to determine if the revised location would be visible from any portion of Highway 1. Reference pylons were set at critical project element locations including the roof ridgeline and the maximum extents of the proposed structural envelope (55' x 86'). Visibility from Highway 1 was determined as follows: As viewed from both northbound and southbound lanes of Highway 1, no reference pylons representing the residential structure could be seen. Photographs of the site from Highway 1 with the pylons in place are shown on Exhibit E and F of the Visibility Confirmation Report. It was concluded that the residence would not be visible from anywhere along Highway 1 if the project were constructed consistent with the information provided in Exhibit A, B, and C of the Visibility Confirmation Report dated February 27, 2006. Mitigation measures recommended in the April 2004 Visual Assessment are included in the existing mitigation measures, and are still required to ensure protection of the identified scenic resource. The mitigation measures have been revised to clarify the application of these measures to the new project description (Attachement 2).

The applicant has included a dressage arena (discussed at the January 26, 2006 hearing) using the cut from the building pad that was previously proposed to be used to construct the visual mitigation berm. The site selected for the dressage arena will not cause any additional visual impacts because the area where the fill will be placed to create the arena will not be visible from any location on Highway 1. The maximum depth of fill will be two feet above natural grade therefore the new dressage arena will not be visible from Highway 1.

The changes to the proposed plans also included reduction of the total area of disturbance by approximately 10 percent (from 4.95 acres to 4.46 acres). The proposed changes to the plans (grading areas and quantities) are refelected in Attachment 4 – Design Changes.

Two additional conditions were recommended at the January 26 Planning Commission hearing. The new condition numbers 46 and 50 are listed in the attached revised conditions of approval. Staff has also revised condition number 20 to meet the concerns of the County and the California Coastal Commission with regards to the agricultural easement.

Attachments

1. Exhibit A - Findings
2. Exhibit B - Revised Conditions of Approval
3. Revised Project Plans / Graphics
4. Design Changes
5. Revised Mitigated Negative Declaration
6. January 26, 2006 Planning Commission Memo (via: Matt Janssen)
7. January 26, 2006 Planning Commission Memo (via: Warren Hoag)
8. Staff Report dated January 12, 2006 (Original Package)

EXHIBIT A - FINDINGS

These findings reflect the added findings from the January 26, 2006 Memo (via Matt Janssen) and the original findings from the January 12, 2006 Staff Report.

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 10, 2005 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards, and Transportation included as conditions of approval.

Development Plan

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because a single-family residence accessory to the agricultural operations being conducted on a site is an allowable use subject to the requirements of Title 23 and the LCP.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code and the LCP.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because a single-family residence accessory to the agricultural operations does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because a single-family residence accessory to the agricultural operations is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because a single-family residence accessory to the existing agricultural operations located on Highway 1, a road constructed to a level able to handle any additional traffic associated with this project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Sensitive Resource Area

- H. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because all project improvements will be located at the closest location, 70 feet from the identified sensitive resource on the project site (Streams and Riparian Vegetation).
- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the existing ranch road will provide access to the residence.
- J. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because the existing ranch road will provide access to the residence and no impacts to the sensitive resource will occur with the required mitigation.
- K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because preliminary drainage and site design has been submitted and reviewed by the Public Works Department for conformance with applicable standards.

Environmentally Sensitive Habitats

- L. There will be no significant impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of that habitat because the project has been sited to avoid impacts to the sensitive resource / habitat on the property.
- M. The proposed use will not significantly disrupt the habitat because all improvements have been sited to avoid impacts to the sensitive resource / habitat on the property.

Archeological Sensitive Area

- N. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because monitoring will be required during ground disturbance and construction fencing will be erected around the known portion of the archaeological site.

Wetland setback adjustment

- O. The site would be physically unsuitable for the principal permitted use unless the setback is reduced along the existing ranch road to provide access to the proposed building site because no sites that would be invisible from Highway 1 (consistent with visual and scenic resource policies) and be located completely outside the drainage swale (which contains the sensitive habitat) to locate the proposed residence and barn without improving the existing ranch road to access the proposed building site.
- P. The reduction is the minimum (70 feet) that would enable a principle permitted use to be established on the site because alternative routes to the building site

2-5

have been considered and determined to be more visible and would create a greater impact because less grading and impacts to sensitive species will be required to make improvements to the existing road as apposed to creating a new road that would meet the 100 foot setback requirement along the northern property line.

Riparian habitat setback adjustment

- Q. Alternative locations and routes are infeasible or more environmentally damaging because additional impacts to sensitive species on the site would occur by relocating the location of the access road outside the 100 foot setback.
- R. Adverse environmental effects are mitigated to the maximum extent feasible because no direct impact to the habitat will occur and mitigation is include to provide sedimentation and erosion control as well as construction fencing to keep construction activities outside the habitat area.
- S. The adjustment is necessary to allow a principle permitted use of the property and redesign of the proposed development would not allow the use with the standard setbacks because no other location on the lower elevations of the property (south and west of where the setback adjustment is proposed) would allow the project to be developed without encroaching into the required setbacks.
- T. The adjustment is the minimum that would allow for the establishment of the principal permitted use while still addressing all relevant coastal policies and environmental concerns.

2-6

EXHIBIT B – REVISED CONDITIONS OF APPROVAL

These conditions reflect the conditions added by Staff from the January 26, 2006 Memo (Via Warren Hoag) and revisions to existing conditions to clarify applicability to the revised project.

Approved Development

1. This approval authorizes:
 - a. the construction of a one-story approximately 3,500 square foot single family residence, a one-story approximately 1,800 square foot barn, a dressage arena, an approximately 4,500 foot long residential driveway, and associated grading activities.
 - b. a maximum height for the proposed barn is of 17 feet (as measured from average natural grade)
 - c. a maximum height for the proposed residence is ~~17 feet as measured from the finished floor elevation of 472.5 feet.~~ shall not exceed 491.06 feet at the ridge elevation, the lower (eastern wall) shall not exceed 485.00 feet (11.00 foot maximum roof surface height), and the upper (west wall) shall not exceed 490.00 feet (14.00 foot maximum roof surface height).

Conditions required to be completed at the time of application for construction permits

Site Development

2. Plans submitted shall show all development consistent with the approved site plan and grading plan provided that the plans shall be revised to show the maximum extents of grading activities required for project improvements (i.e. grading control line) consistent with the requirements of the biological assessment. These plans shall also be reviewed by the visual consultant to ensure conformance with all recommendations included in the visual assessment with regards to ~~creation of the berm and~~ required structural elevations. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - 1) Floor plans and elevations shall be submitted for the barn and residence that conform to the approved project description stated in condition number 1 (a) and (b) above.
 - 2) The maximum height of the proposed structures shall be consistent with condition number 1 (b) and (c) above and all plans shall be consistent with the visual assessment prepared for the project (i.e. structures not visible from Highway 1) dated February 27, 2006.
3. The applicant shall apply for an encroachment permit from The California Department of Transportation (Caltrans) and submit a written acknowledgement from the department permits office stating that the driveway connection to State Route 1 has been designed to the satisfaction of the state engineering and environmental standards.

Aesthetics

4. The applicant shall provide an exterior lighting plan. The plan shall include the

2-7

height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from Highway 1 and the key viewing areas identified in the visibility assessment (April 2004). All lighting poles, fixtures, and hoods shall be dark colored. This plan shall be implemented prior to final inspection or occupancy, whichever occurs first.

5. An erosion control/ seeding plan shall be prepared by a qualified erosion control and revegetation expert and approved by the appropriate County representative. The erosion control strategy shall include a mechanical component such as erosion control blanket, as well as a seed mix consisting of grass species found on the adjacent hillsides. Successful erosion control measures will reduce the potential for gullying and visual scars on the berm (may be combined with sedimentation and erosion control plan).
6. The project applicant shall retain a qualified revegetation and erosion control expert to monitor the success of the erosion control and grass revegetation efforts for period of 2 years after construction. Between the months of October and April the monitor shall make bi-monthly site visits, identify any deficiencies, and recommend measures to fix deficiencies. The project applicant shall implement the recommendations of the monitor. The monitor shall provide an annual written report of the progress to the appropriate County representative.
7. The roofs of the residential and barn structures should be designed with hipped rooflines. Roof and wall colors shall be limited to earth tones, muted greens, browns and grays and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building. No shiny metal or glazed tile roofing material shall be used. These measures will ensure visual compatibility between the structures and the setting if for some reason in the future the effectiveness of the berm is compromised.
8. ~~The top of the proposed water tanks shall 2 ft. lower than the top of the adjacent berm. If the water tanks are redesigned to be located along the north side of the residence, the top of the proposed water tanks shall be 2 ft. lower than the top of the adjacent berm on the north side. This will result in effective visual screening of the water tanks as seen from Highway 1.~~ The tanks shall be located underground or in a location that the water tanks will not be visible from Highway 1.

Fire Safety

9. All plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated November 2, 2004.

Services

10. The applicant shall submit evidence that there is adequate water to serve the proposal, on the site.

11. The applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Biology

12. The limits of disturbance shall be shown on the project plans. Ground disturbance shall be confined to the smallest possible area during grading and construction activities.
13. A qualified botanist shall develop a restoration and monitoring plan that will be approved by the County Planning Department prior to its implementation. The restoration and monitoring plan shall include the following activities:
 - a) Prior to any ground disturbing activities, a qualified botanist shall inventory the area to be impacted (impact area) and record the number of paintbrush plants to be removed, the number of paintbrush plants in the surrounding area that will not be removed, and document all the number of each species of other associated plant species in the impact area. Similarly, the paintbrush populations on the remainder of the property shall be accurately mapped and counted.
 - b) Topsoil from the impact area shall be collected and stockpiled until project activities cease, after which the topsoil shall be replaced on the cut and fill slopes.
 - c) At least one year from restoring the topsoil to the cut and fill slopes, a qualified botanist shall monitor the plant regeneration in the impact area by documenting the numbers of paintbrush plants that regenerate in the area. The number of each species of other associated plants shall also be documented in the impact area. Monitoring efforts should be conducted during the flowering period for the paintbrush so that it can be identified if it occurs in the impact area.
 - d) At the conclusion of the monitoring effort, the botanist shall submit a monitoring report to the County Planning Department documenting the findings of the restoration efforts. If plants do not regenerate the first year, monitoring in two subsequent years during the paintbrush flowering period shall be required, with submittal of a monitoring report to the County. Upon approval of the final monitoring report by the County, restoration efforts would cease.
 - e) Construction fencing shall be erected prior to ground disturbance around the on-site drainage swale. (***Added condition from Jan. 26, 2006 Memo***)

Geology

14. The roadbed design shall be based on sampling and testing of the underlying rock. The results of the sampling and testing shall be submitted with the proposed road design.
15. The location of the on-site wastewater disposal system shall be located a minimum of 50 feet from any structure and sited where adequate percolation rates and sufficient unsaturated permeable sediments or rock are present. Disposal sites shall be located away from steep slopes where surfacing effluent could occur.
16. The applicant shall submit a Storm Water Pollution Prevention Plan to the Department of Planning and Building.

2-9

17. The applicant shall submit a sedimentation and erosion control plan (CZLUO Section 23.05.036) for review and approval by the County Planning Department.
18. The applicant shall submit a drainage plan (CZLUO Section 23.05.042) for review and approval by the County Planning Department.

Conditions to be completed prior to issuance of a construction permit

Fees

19. The applicant shall pay all applicable school and public facilities fees.

Agriculture

20. The applicant shall ~~establish record~~ an agricultural easement over the remaining agricultural lands not proposed for non-agricultural development in a form approved by County Counsel and as set forth in Section 23.04.420g(4). for the portion of the site supporting grazing / agricultural operations. The easement shall also be established over the remaining paintbrush populations.

Cultural Resources

21. The applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The consulting archaeologist responsible for the monitoring program shall be provided with a copy of the previous archaeological investigations (Singer, 2004). The monitoring plan shall include at a minimum:
 - A. List of personnel involved in the monitoring activities;
 - B. Description of how the monitoring shall occur;
 - C. Description of frequency of monitoring (e.g. full-time, part-time, spot checking);
 - D. Description of what resources are expected to be encountered;
 - E. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
 - F. Description of procedures for halting work on the site and notification procedures;
 - G. Description of monitoring reporting procedures.

Conditions to be completed during project construction

Aesthetics

22. Prior to framing inspection and after completion of rough grading of the site ~~and berm~~, a qualified visual resource expert shall verify ~~the effectiveness and appearance of the berm relative to~~ the proposed structure is not visible from Highway 1. Reference flags or markers shall be erected at the critical dimensions of the proposed residential and barn structure. The project site shall be viewed from the key visibility areas along Highway 1 identified in the Visibility Assessment, Morro Group, April 2004. If it appears after the final grading the residence or barn will be visible ~~above the berm~~, recommendations shall be made to eliminate such visibility. If necessary, final adjustments shall be implemented to ensure ~~that the berm will successfully hide the structure and will appear as a naturally occurring~~

landform. the structures are not visible from Highway 1. Artificial berms or landscaping shall not be used to mitigate any potential visual impacts of the structure.

23. Topsoil from all disturbed areas shall be removed, stockpiled, and reapplied during final grading as a surface layer to ~~the entire berm.~~ disturbed soil areas. This measure will reduce the potential visible contrast between the ~~berm~~ disturbed soil areas and the adjacent hillside and will promote grass growth. **(Added condition from Jan. 26, 2006 Memo and revised for new project)**
24. No solid fencing or walls shall be installed if they can be seen from Highway 1. Fencing shall have an open character and be agriculture or rural in appearance. Colors shall generally be earth-toned, and white or light colored materials or paint shall not be used. No site amenities such as sheds, storage areas, stockpiles, etc. shall be built or placed ~~along the outside of the berm where they would be visible from Highway 1.~~ This measure will reduce visible contrast with the rural setting as seen from Highway 1. **(Added condition from Jan. 26, 2006 Memo and revised for new project)**

Building Height

25. Prior to approval of the foundation inspection, the control point shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
26. Prior to approval of the roof nailing inspection, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Air Quality

27. The applicant shall reduce the amount of the disturbed area where possible.
28. The applicant shall use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water shall be used whenever possible.
29. All dirt stock-pile areas shall be sprayed daily as needed.
30. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
31. Upon completion of initial site-disturbance/grading activities, exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.

2-11

32. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the erosion control expert.
33. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
34. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
35. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
36. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
37. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads.

Geology

38. Cut and fill slopes of 2:1 are recommended for newly created cut and fill slopes.
39. Upon completion of grading activities and as soon as feasible, drainage improvements shall be installed to handle winter rainfall runoff in the vicinity of the proposed structures and roadway and designed to prevent erosion.
40. The project engineer shall observe the leach field excavations to ensure compliance with the recommendations of the geotechnical reports and present the findings in an "as-graded" report prepared by the engineer of record **prior to final inspection.**

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

Fire Safety

41. To minimize potential fire safety impacts, the applicant agrees to abide by the recommendations made by the California Department of Forestry (November 2, 2004 letter), and the Fire Safety Standards (CZLUO Sec. 23.05.086). All conditions stated in the fire safety plan shall be met **prior to final inspection.**

Aesthetics

42. The applicant shall provide verification (by means of consultation with the projects visual consultant and written documentation) that all required recommendations to reduce project visibility (numbers 1-10 from the Visibility Assessment) have been implemented to the satisfaction of the County of San Luis Obispo per the recommendation of the Visibility Assessment, Morro Group, April 2004; and

2-12

consistent with the Visibility Confirmation Letter ~~(August 2004)~~ dated February 27, 2006.

43. To the greatest extent possible, final grading of ~~the berms and all other earthwork~~ shall be constructed with a rounded transition between adjacent slope and grade-angles. The radius of the rounding shall be as large as possible. This slope rounding measure will reduce the angular appearance of ~~the berms and other earthwork as seen from State Highway 1 and the Key Viewing Areas.~~
44. Topsoil from all disturbed areas shall be removed, stockpiled, and reapplied during final grading as a surface layer to ~~the entire berm to all exposed graded areas.~~ graded areas. This measure will reduce the potential visible contrast between ~~the berm graded areas~~ and the adjacent hillside and will promote grass growth.

Archaeology

45. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.

General Conditions

46. The applicant shall provide permanent fencing around the sensitive wetland, riparian habitat and pond to keep grazing animal from disturbing the habitats. *(Added condition from Jan. 26, 2006 Planning Commission hearing)*

On-going conditions of approval (valid for the life of the project)

Aesthetics

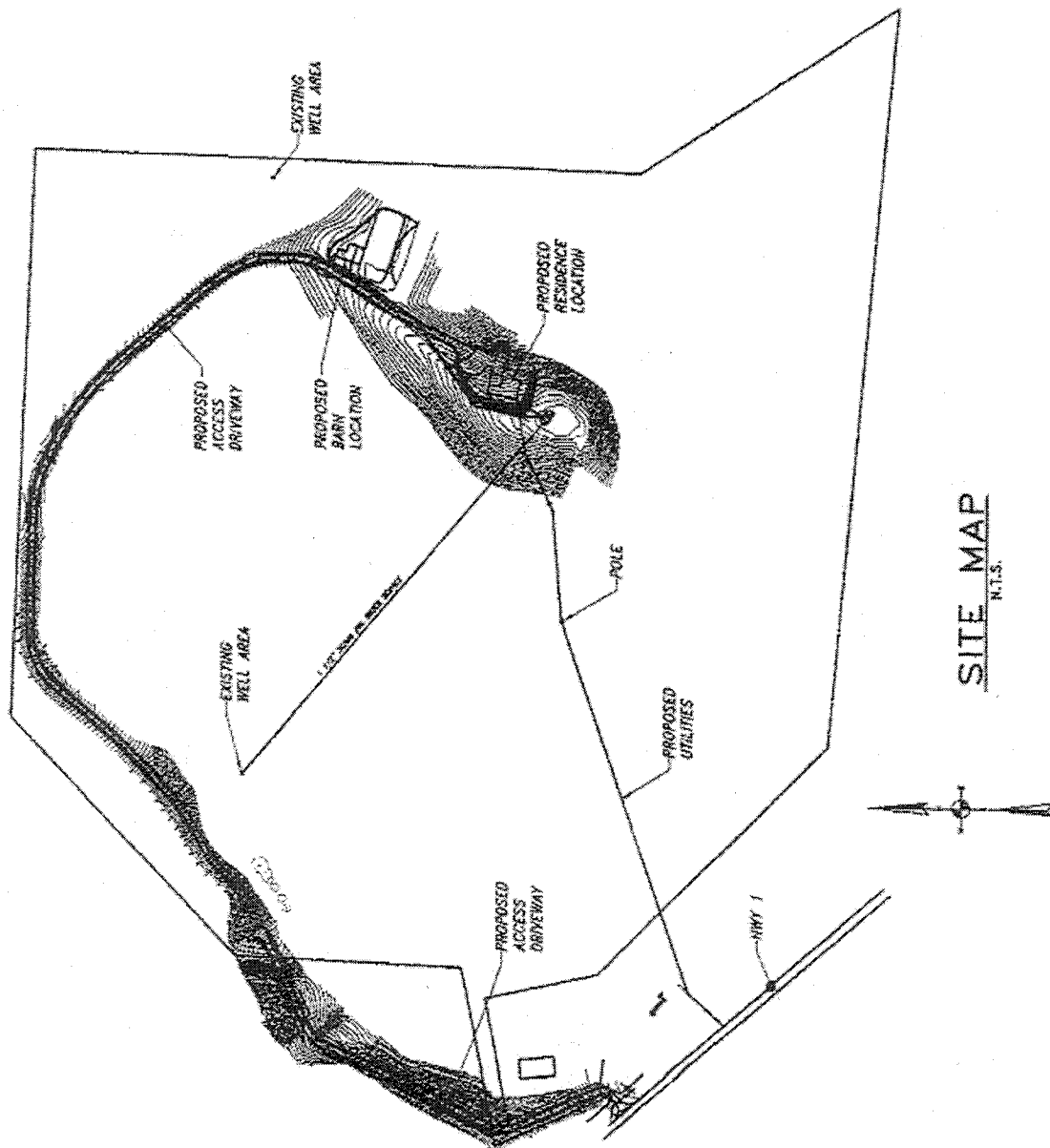
47. No solid fencing or walls shall be installed if they can be seen from Highway 1. Fencing shall have an open character and be agriculture or rural in appearance. Colors shall generally be earth-toned, and white or light colored materials or paint shall not be used. No accessory structures or site amenities such as sheds, storage areas, stockpiles, etc. shall be built or placed ~~along the outside of the berm where they would be visible from Highway 1.~~ This measure will reduce visible contrast with the rural setting as seen from Highway 1.
48. Planting of vegetation and/or construction of additional structures visible from Highway 1 may result in significant visual impacts. A visual analysis shall be conducted for future site improvements potentially visible from Highway 1.
49. Absolutely no trees, shrubs, or ground cover shall be planted ~~on or around the earthen berm such that the plant would be visible from Highway 1. No trees or shrubs shall be planted between the residence and the residence side of the surrounding berm that will extend above the height of the berm and consequently be seen from Highway 1.~~ Only grasses similar to the existing grass on the adjacent hillsides shall be planted ~~on the side of the berm where visible from the~~

highway. No supplemental irrigation shall be applied to the grasses once they have been established. This measure will reduce noticeability of the project site, and will minimize visual contrast between the project site and the adjacent landcover.

General Conditions

50. The proposed barn shall not be used for residential purposes without first securing a land use permit pursuant to section 23.08.041(a). ***(Added condition from Jan. 26, 2006 Planning Commission hearing)***
51. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
52. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

2-14



SITE MAP
N.T.S.

PROJECT

Development Plan
Malouin DRC2004-00066

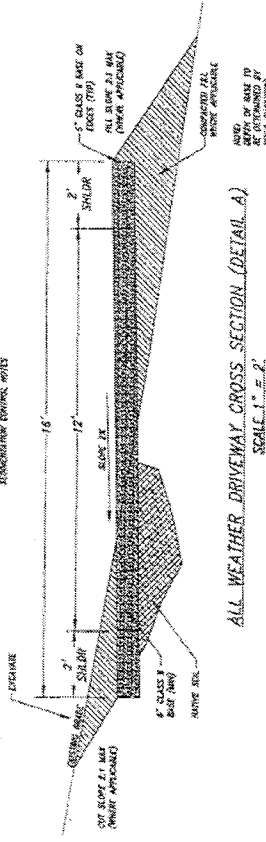
EXHIBIT

Site Map

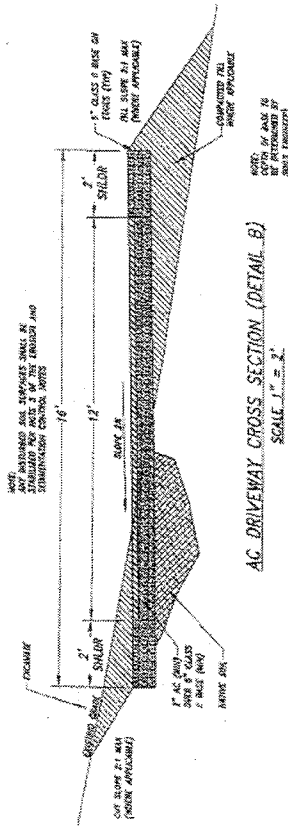


2-15

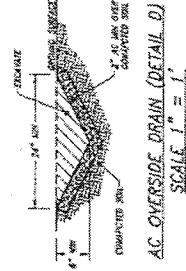
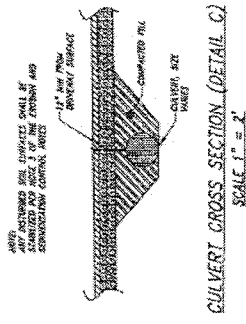
NOTE:
ANY EXISTING SOIL SURFACES SHALL BE
STABILIZED AND NOTED 1 OF THE DESIGN AND
CONSTRUCTION NOTES.



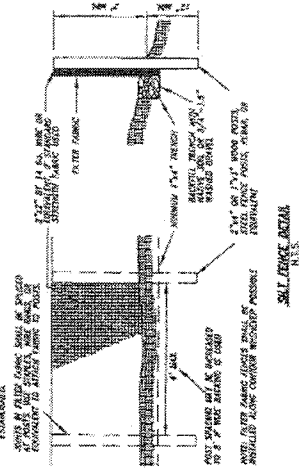
NOTE:
ANY EXISTING SOIL SURFACES SHALL BE
STABILIZED AND NOTED 1 OF THE DESIGN AND
CONSTRUCTION NOTES.



NOTE:
ANY EXISTING SOIL SURFACES SHALL BE
STABILIZED AND NOTED 1 OF THE DESIGN AND
CONSTRUCTION NOTES.



NOTE:
ANY EXISTING SOIL SURFACES SHALL BE
STABILIZED AND NOTED 1 OF THE DESIGN AND
CONSTRUCTION NOTES.



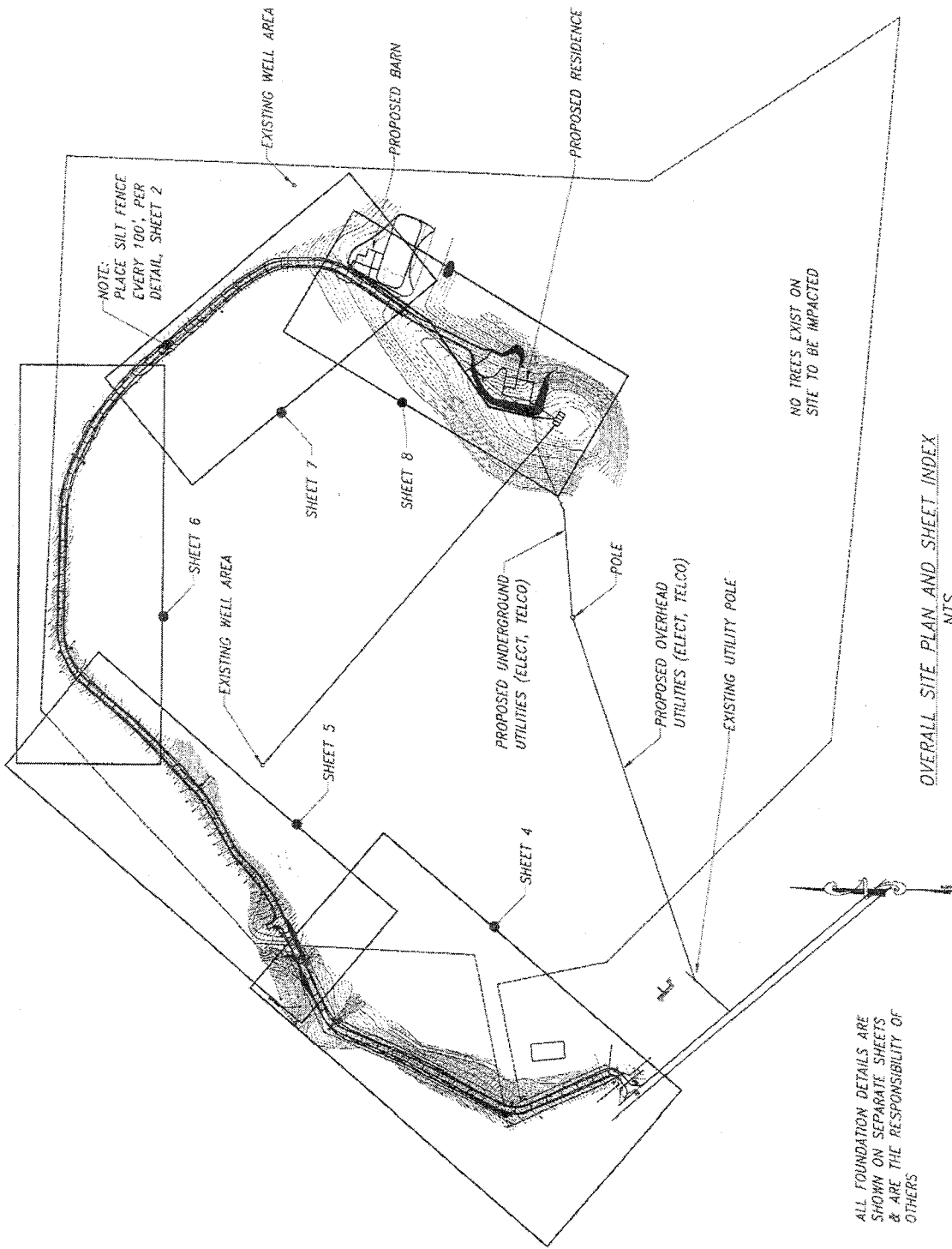
PROJECT

Development Plan
Malouin DRC2004-00066

EXHIBIT

Construction, Grading, and Drainage Details





EXHIBIT

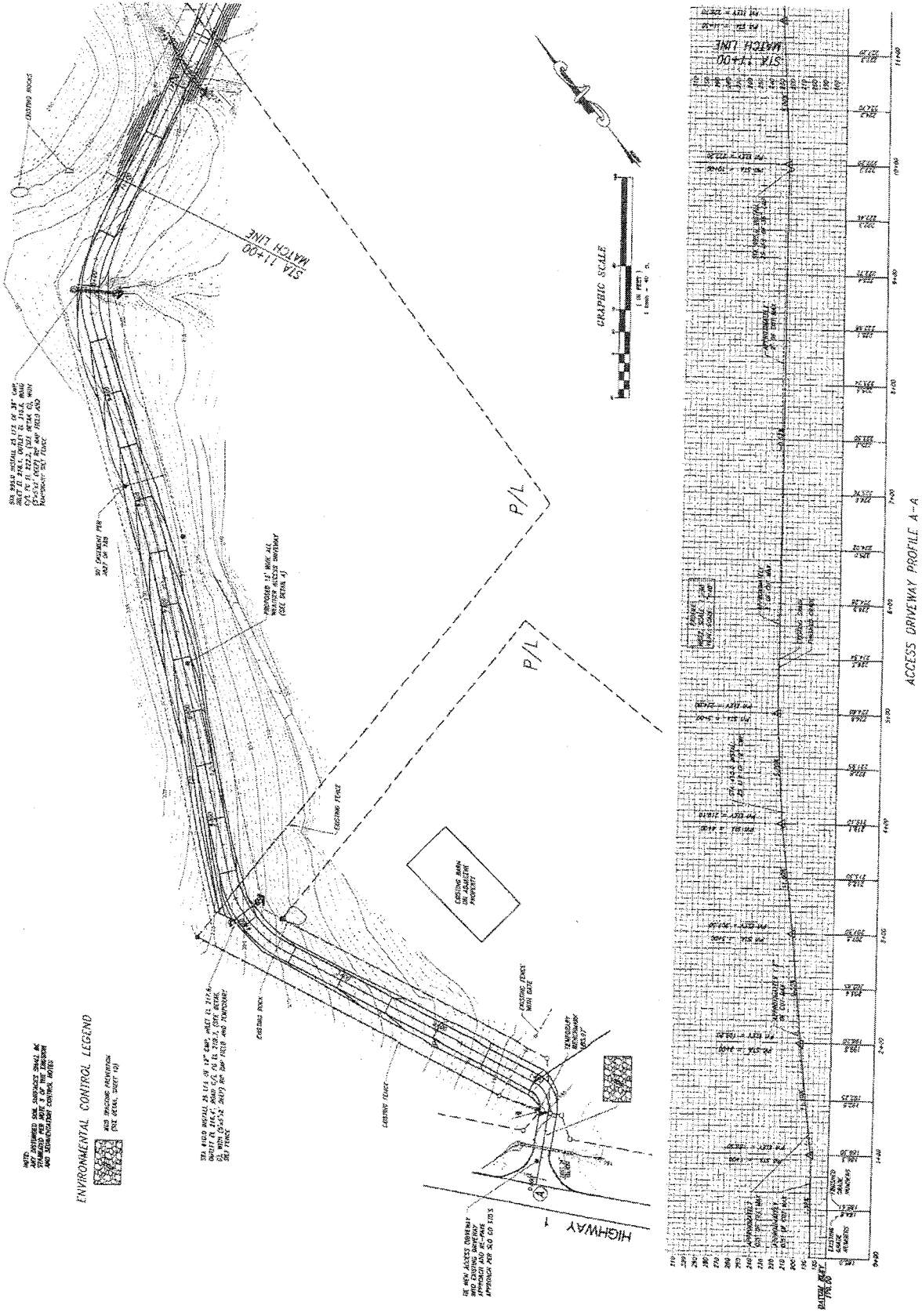
Overall Site Plan



PROJECT

Development Plan
Malouin DRC2004-00066

2-17



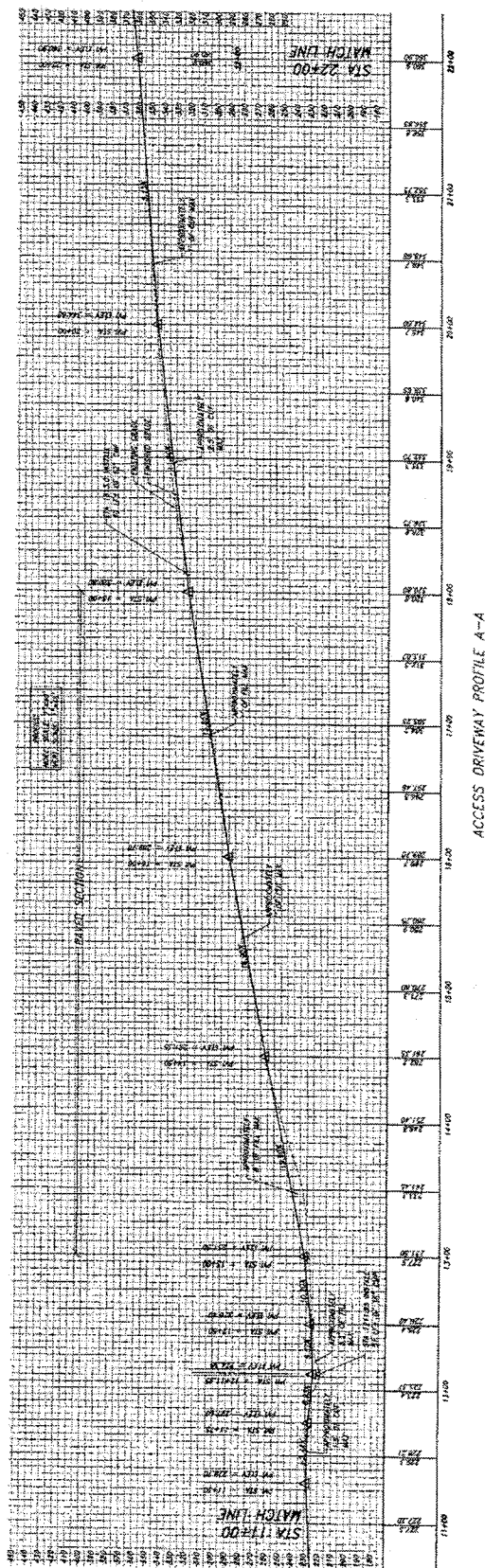
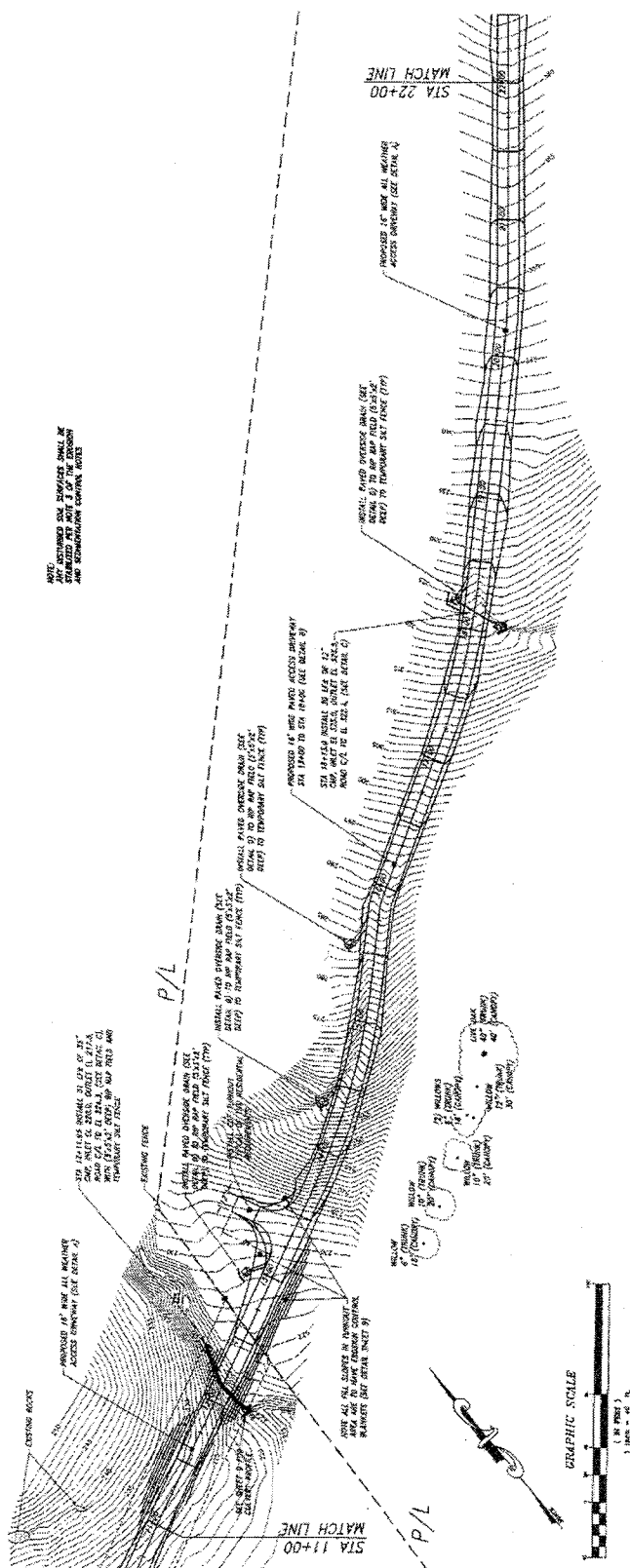
PROJECT

Development Plan
Malouin DRC2004-00066

EXHIBIT

Access Driveway Plan & Profile STA 0+00 to 11+00





PROJECT

ECI
Development Plan
Malouin DRC2004-00066



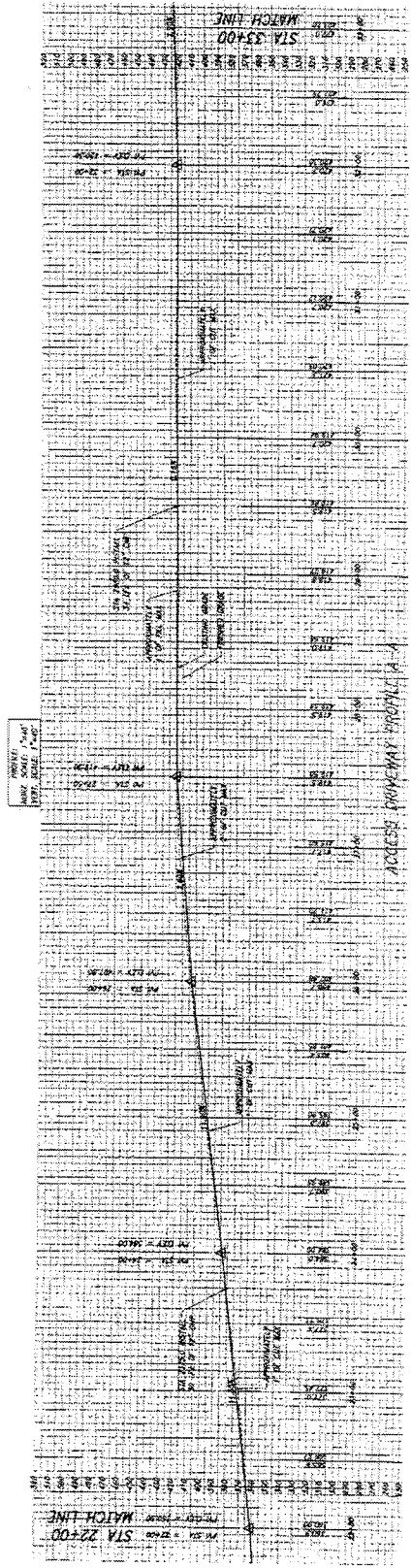
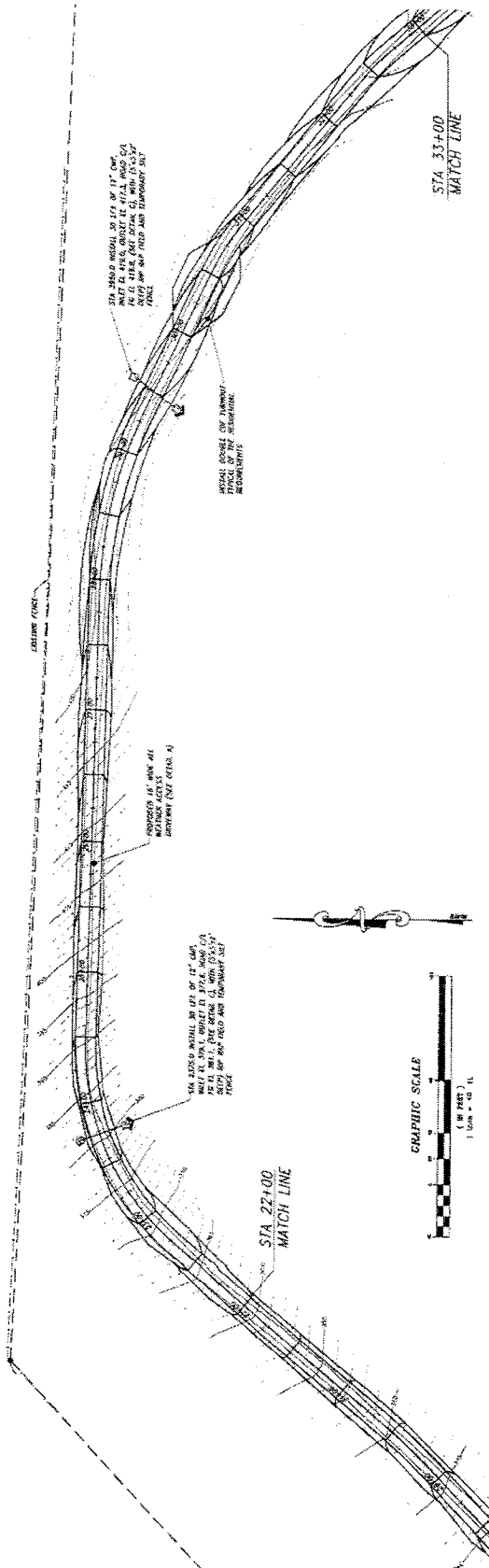
EXHIBIT

Access Driveway Plan & Profile STA 11+00 to 22+00

2-19

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

NOTES:
1. ALL EXISTING AND PROPOSED DRIVEWAYS SHALL BE
CLASSIFIED PER PART 3 OF THE DESIGN
AND SUBMITTAL MANUAL.



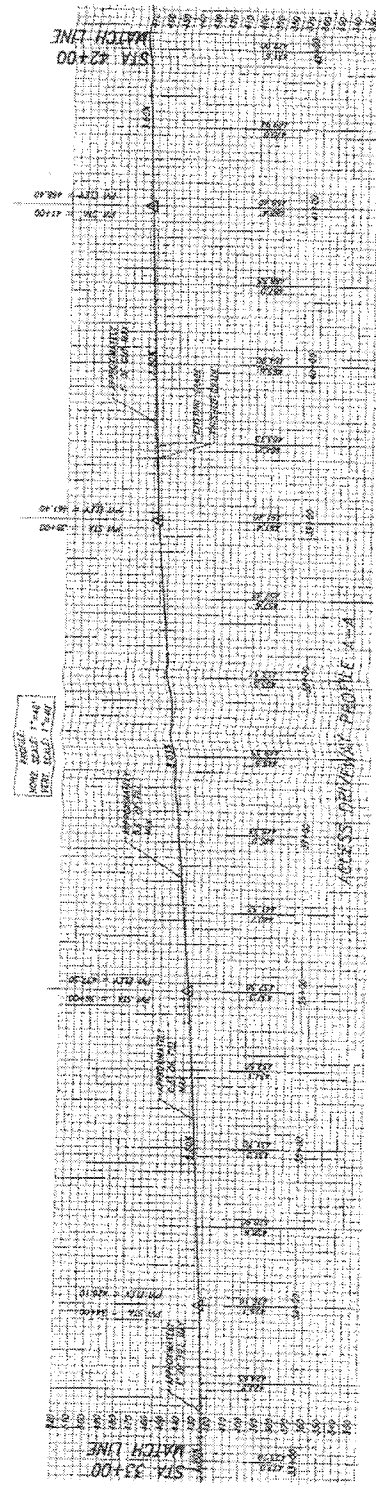
PROJECT

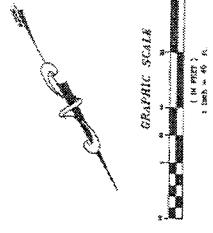
Development Plan
Malouin DRC2004-00066

EXHIBIT

Access Driveway & Profile STA 22+00 to 33+00







2-22

DESIGN CHANGES – COMPARISON WITH PREVIOUS PLAN – Malouin Harmony Project

DRC-2004-00066

<i>Description</i>	<i>Old Plan (rev.10)</i>	<i>New Plan (rev.11)</i>	<i>Diff.</i>
--------------------	--------------------------	--------------------------	--------------

Residence

Cut Amount (Cubic Yards)	8000	4900	-39%
Fill Amount (Cubic Yards)	1200	270	-77%
Area of Disturbance	1.50 acres	0.71 acre	-53%

Barn – incl. Dressage arena

Cut Amount (Cubic Yards)	550	0	-100%
Fill Amount (Cubic Yards)	550	3530	+642%
Area of Disturbance	0.52 acre	0.75 acre	+44%

Driveway

Cut Amount (Cubic Yards)	1500	1500	same
Fill Amount (Cubic Yards)	1500	2600	+73%
Area of Disturbance	3.0 acres	3.0 acres	same

Totals – incl. Dressage arena

Cut Amount (Cubic Yards)	10,050	6400	-36%
Fill Amount (Cubic Yards)	3,250	6400	+97%
Area of Disturbance	4.95 acres	4.46 acres	-10%

2-23



COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (MW)

ENVIRONMENTAL DETERMINATION NO. ED04-231

DATE: November 10, 2005

Revised: April 6, 2006

PROJECT/ENTITLEMENT: Malouin Development Plan /Coastal Development Permit DRC2004-00066

APPLICANT NAME: Jim Malouin

ADDRESS: P.O. Box 2412, Harmony, CA 93435

CONTACT PERSON: Same as applicant

Telephone: 951-217-3327

PROPOSED USES/INTENT: The negative declaration issued on November 10, 2005, described the proposed project as a request to allow for the establishment of an approximate 3,500 square foot single family residence, an approximate 1,800 square foot one-story barn, an approximate 4,500 foot long residential driveway, and related grating activities, which will result in the disturbance of approximately 4.95 acres of disturbance on a 120 acre parcel. The Planning Commission requested relocation of the proposed building site (to reduce visual impacts), as well as include a 16,800 square foot dressage arena as part of the application. This has resulted in a reduction of the total area of disturbance from 4.95 acres to 4.46 acres, and reduction of the total area of disturbance by 10 percent (from 4.95 acres to 4.46 acres).

LOCATION: The proposed project is within the Agriculture land use category and is located on Highway 1 approximately 4,335 feet (0.82 miles) south of Harmony Valley Road and the community of Harmony.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: California Department of Fish and Game

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 5 p.m. on April 20, 2006

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

2-24

Notice of Determination

State Clearinghouse No.

This is to advise that the San Luis Obispo County _____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and has
made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

Murry Wilson

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency

Revised Project Information

After circulation of the Mitigated Negative Declaration, the project was reviewed by the Planning Commission and the commission requested relocation of the proposed building site so as to eliminate the need for a visual mitigation berm (consistent with the North Coast Rural Area Standard - Site Selection Criteria), and to include the dressage arena as part of this application. The grading plans have been revised for the purpose of: siting the single family residence (consistent with the North Coast Rural Area Standard - Site Selection Criteria); siting of a 16,800 square foot dressage arena adjacent to the proposed barn, and reduction of the total area of disturbance by 10 percent (from 4.95 acres to 4.46 acres). These changes could effect the analysis of the following sections: Aesthetics and Cultural Resources.

Aesthetics: The project has been modified to allow for siting the single family residence without the need for an artificial earthen berm (consistent with the North Coast Rural Area Standard - Site Selection Criteria). Numerous modifications have been made to allow for construction of the residence without an artificial earthen berm as follows: Relocation of the building pad approximately 100 feet to the southeast; reduction of the maximum building footprint from 70' x 80' to 55' x 86'; utilization of a stepped foundation; and a reduction in the maximum height of the proposed residence.

An additional project Visibility Confirmation Report (attached) dated February 27, 2006 was conducted at the project site to determine if the revised location would be visible from public views. Reference pylons were set at critical project element locations including the roof ridgeline and the maximum extents of the proposed structural envelope (55' x 86'). Visibility from Highway 1 was determined as follows: As viewed from both northbound and southbound lanes of Highway 1, no reference pylons representing the residential structure could be seen. Photographs of the site from Highway 1 with the pylons in place are shown on Exhibit E and F. It was concluded that the residence would not be visible from anywhere along Highway 1 if the project were constructed consistent with the information provided in Exhibit A, B, and C of the Visibility Confirmation Report dated February 27, 2006. Mitigation measures recommended in the April 2004 Visual Assessment as reflected in the revised project are included in the existing mitigation measures, and are still required to ensure protection of the identified scenic resource. The mitigation measures have been revised to clarify the new project description.

The addition of the dressage arena to this project will not cause any additional aesthetic impacts because the area where the fill will be placed to create the arena will not be visible from any location on Highway 1 since the maximum depth of fill will be two feet above natural grade.

Cultural Resources: The location of the dressage arena will be over 100 feet from the identified archaeological site on the property. Grading associated with the proposed residence is located more than 250 feet from the identified archaeological site. Both changes to the plans have considered the identified archaeological resource and will not impact that resource. The project is currently conditioned to have an archaeological monitoring plan which will include monitoring of all grading / excavation activities. The existing mitigation will ensure protection of the archaeological resource on the project site and no further mitigation will be required to protect the identified archaeological site.

2-26

Revised Mitigation:

No new impacts have been identified from the proposed changes to the project and the impacts will be lessened by siting of the residential structure in the revised location. The following conditions have been revised or are no longer applicable due to project revisions (condition numbers from the January 26, 2006 Memo to Planning Commission): 1. (b), 2, 8, 22, 23, 24, 42, 43, 44, 46, and 48.

Condition 1. (b): maximum height for the proposed barn ~~is~~ shall be 17 feet as measured from average natural grade and the maximum ridge height of the proposed residence ~~is 17 feet as measured from the finished floor elevation of 472.5 feet. shall not exceed 491.06 feet at the ridge elevation, the lower (eastern wall) shall not exceed 485.00 feet (11.00 foot maximum roof surface height), and the upper (west wall) shall not exceed 490.00 feet (14.00 foot maximum roof surface height).~~

Condition 2: Plans submitted shall show all development consistent with the approved site plan and grading plan provided that the plans shall be revised to show the maximum extents of grading activities required for project improvements (i.e. grading control line) consistent with the requirements of the biological assessment and shall also be reviewed by the visual consultant to ensure conformance with all recommendations included in the visual assessment with regards to ~~creation of the berm and~~ required structural elevations. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:

- 1) Floor plans and elevations shall be submitted for the barn and residence that conform to the approved project description stated in condition number 1 (a) and (b) above.
- 2) The maximum height of the proposed structures shall be consistent with condition number 1 (b) above and all plans shall be consistent with the visual assessment prepared for the project (i.e. structures not visible from Highway 1) dated February 27, 2006.

Condition 8: ~~The top of the proposed water tanks shall 2 ft. lower than the top of the adjacent berm. If the water tanks are redesigned to be located along the north side of the residence, the top of the proposed water tanks shall be 2 ft. lower than the top of the adjacent berm on the north side. This will result in effective visual screening of the water tanks as seen from Highway 1. The tanks shall be located underground or in a location that the water tanks will not be visible from Highway 1.~~

The condition has been re-written to address potential visibility of the water tanks provided they cannot be sited as shown on the current plans.

Condition 22: Prior to framing inspection and after completion of rough grading of the site ~~and berm~~, a qualified visual resource expert shall verify ~~the effectiveness and appearance of the berm relative to~~ the proposed structure is not visible from Highway 1. Reference flags or markers shall be erected at the critical dimensions of the proposed residential and barn structure. The project site shall be viewed from the key visibility areas along Highway 1 identified in the Visibility Assessment, Morro Group, April 2004. If it appears after the final grading the residence or barn will be visible ~~above the berm~~, recommendations shall be made to eliminate such visibility. If necessary, final adjustments shall be implemented to ensure that ~~the berm will successfully hide the~~

2-27

~~structure and will appear as a naturally occurring landform. the structures are not visible from Highway 1.~~

Condition 23: Topsoil from all disturbed areas shall be removed, stockpiled, and reapplied during final grading as a surface layer to ~~the entire berm.~~ disturbed soil areas. This measure will reduce the potential visible contrast between the ~~berm~~ disturbed soil areas and the adjacent hillside and will promote grass growth.

Condition 24: No solid fencing or walls shall be installed if they can be seen from Highway 1. Fencing shall have an open character and be agriculture or rural in appearance. Colors shall generally be earth-toned, and white or light colored materials or paint shall not be used. No site amenities such as sheds, storage areas, stockpiles, etc. shall be built or placed ~~along the outside of the berm where they would be visible from Highway 1.~~ This measure will reduce visible contrast with the rural setting as seen from Highway 1.

Condition 42: The applicant shall provide verification (by means of consultation with the projects visual consultant and written documentation) that all required recommendations to reduce project visibility (numbers 1-10 from the Visibility Assessment) have been implemented to the satisfaction of the County of San Luis Obispo per the recommendation of the Visibility Assessment, Morro Group, April 2004; and consistent with the Visibility Confirmation Letter ~~(August 2004)~~ dated February 27, 2006.

Condition 43: To the greatest extent possible, final grading of ~~the berms and all other~~ earthwork shall be constructed with a rounded transition between adjacent slope and grade-angles. The radius of the rounding shall be as large as possible. This slope rounding measure will reduce the angular appearance of ~~the berms and other~~ earthwork as seen from State Highway 1 and the Key Viewing Areas.

Condition 44: Topsoil from all disturbed areas shall be removed, stockpiled, and reapplied during final grading as a surface layer to ~~the entire berm~~ to all exposed graded areas. This measure will reduce the potential visible contrast between ~~the berm~~ graded areas and the adjacent hillside and will promote grass growth.

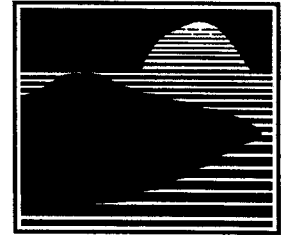
Condition 46: No solid fencing or walls shall be installed if they can be seen from Highway 1. Fencing shall have an open character and be agriculture or rural in appearance. Colors shall generally be earth-toned, and white or light colored materials or paint shall not be used. No site amenities such as sheds, storage areas, stockpiles, etc. shall be built or placed ~~along the outside of the berm where they would be visible from Highway 1.~~ This measure will reduce visible contrast with the rural setting as seen from Highway 1.

Condition 48: Absolutely no trees, shrubs, or ground cover shall be planted ~~on or around the earthen berm~~ such that the plant would be visible from Highway 1. ~~No trees or shrubs shall be planted between the residence and the residence side of the surrounding berm that will extend above the height of the berm and consequently be seen from Highway 1.~~ Only grasses similar to the existing grass on the adjacent hillsides shall be planted ~~on the side of the berm~~ where visible from the highway. No supplemental irrigation shall be applied to the grasses once they have been established. This measure will reduce noticeability of the project site, and will minimize visual contrast between the project site and the adjacent landcover.

Conclusion / Findings: The project has been revised per the request of the Planning Commission (January 26, 2006 hearing). The project, as revised, does not raise any new issues not previously discussed in the Mitigated Negative Declaration. The revisions that were requested by the Planning Commission do not require the need for recirculation of the Mitigated Negative Declaration because the Mitigated Negative Declaration was not "substantially revised." As defined in the criteria set forth in CEQA Guidelines Section 15073.5. (a), (b), and (c) addressing a substantially revised project as follows: a) no new and avoidable significant effects have been identified and no new mitigation or project revisions must be added to reduce the effect of the project to a less than significant level; and b) the Lead Agency has determined that the proposed (existing) mitigation measures will reduce potential significant impacts and no new measures will be required.

Recirculation is not required because no new mitigation is required to mitigate potential impacts in the above mentioned areas (Aesthetics and Cultural Resources). Mitigation measures have been replaced with equal or more effective mitigation that will reflect the changes to the project and clarify the existing mitigation measures.

2-29



MORRO
GROUP, INC.
Environmental Services

February 27, 2006

Jim Malouin
3255 State Highway One
Cayucos, CA 93430

SUBJECT: *Malouin Residence Visibility Analysis Project Visibility Confirmation – Revised Project with No Berm*

Dear Mr. Malouin:

This letter is intended to provide confirmation of the extent of visibility of specific project features proposed as part of the Malouin residential development east of Highway 1 near Harmony. This confirmation effort was conducted at the request of Mr. Malouin in response to comments provided by the San Luis Obispo County Planning Department and the Planning Commission. The focus of this effort was to determine the visibility of the newly relocated, repositioned and resized residential structure. As described by Mr. Malouin, this revised site and building design concept does not rely on artificial earthen berms to eliminate visibility from the Highway 1 corridor. The site plan on which this assessment is based is shown on Exhibit A. This confirmation review supplements information provided in the Visibility Assessment prepared by the Morro Group and Robert Carr in April, 2004 for this project.

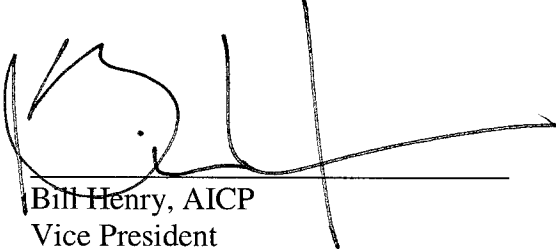
On February 25, 2006 Robert Carr, visual resource consultant met at the project site with Jim Malouin for the purpose of determining the extent of visibility of the revised residential site location. Prior to the meeting Mr. Malouin had surveyed and installed reference pylons at critical project element locations such as the roof ridgeline and structure envelope. At the project site, the heights and locations of the pylons were checked by Mr. Carr for accuracy relative to the applicant's topographic mapping and proposed site plan. Exhibits B and C indicate the surveyed pylon point data proposed by Mr. Malouin and observed by Mr. Carr. Exhibits D, E, and F consist of photographs providing a photographic record of the on-site reference pylons as seen from the immediate project area.

Following the project on-site inspection, Mr. Carr conducted a visibility assessment of the project from Highway 1. Based on this assessment, using binoculars as well as un-aided vision, project visibility was determined as follows:

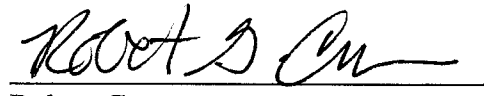
- As viewed from both the northbound and southbound lanes of Highway 1, no reference pylons representing the residential structure could be seen. Photographs of the site from Highway 1 with the pylons in place are shown on Exhibits E and F. It was concluded that

the residence would not be visible from anywhere along Highway 1 if the project were constructed consistent with the information provided in Exhibits A, B and C.

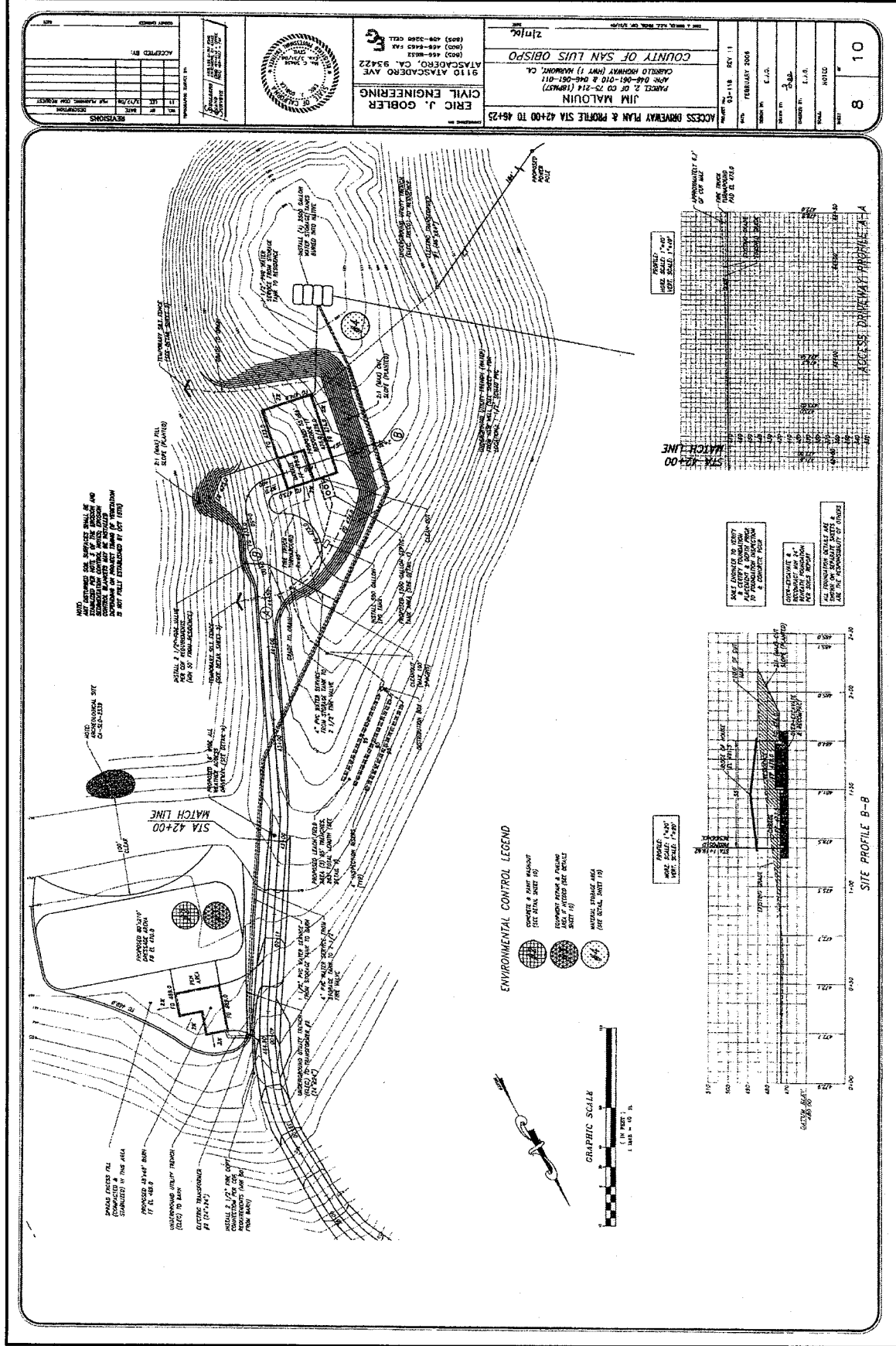
It is important to note that the mitigation measures recommended in the April, 2004 Visual Assessment should be implemented to ensure the greatest protection of scenic resources. In addition, the proposed "barn", analyzed in the previous Visibility Assessment was not re-evaluated as part of this field review.



Bill Henry, AICP
Vice President
Morro Group, Inc.



Robert Carr
Visual Resource Consultant
Landscape Architect 3473



Site plan provided by applicant

Malouin residence
February 25, 2006

EXHIBIT A

PYLON PLACEMENT - MALOUIN HARMONY PROJECT DRC2004-00066

Dated 2/14/06.

	<u>lowest level</u>	<u>middle level</u>	<u>upper level</u>	
S O U T H	479' 01" native elev.	483' 04"	485' 11"	#1
	5' 11" pylon length	8' 02"	4' 01"	
	485' 00" roof surface elev.	491' 06"	490' 00"	
	11' 00" max. surface ht.	17' 06"	14' 00"	
S I D E	477' 09" native elev.	482' 02"	484' 10"	#2
	7' 03" pylon length	9' 04"	5' 02"	
	485' 00" roof surface elev.	491' 06"	490' 00"	
	11' 00" max. surface ht.	17' 06"	14' 00"	
S I D E	477' 10" native elev.	481' 10"	484' 00"	#3
	7' 02" pylon length	9' 08"	6' 00"	
	485' 00" roof surface elev.	491' 06"	490' 00"	
	11' 00" max surface ht.	17' 06"	14' 00"	
S I D E	477' 03" native elev.	481' 05"	483' 06"	#4
	7' 03" pylon length	9' 07"	6' 00"	
	484' 06" roof surface elev.	491' 00"	489' 06"	
	10' 06" max surface ht.	17' 00"	13' 06"	

Malouin residence
February 25, 2006

Pylon data provided by applicant

EXHIBIT B

SPECIFICATIONS:

residence pad size tested = 55' x 86'

pad elevations : garage 473' 04"
lower floor 474' 00"
upper floor 476' 00"

maximum ridge elevation 491' 06"
maximum lower wall elevation 485' 00" (11' 00" max. roof surface height)
maximum upper wall elevation 490' 00" (14' 00" max. roof surface height)

Malouin residence
February 25, 2006

Project specifications provided by applicant

EXHIBIT C

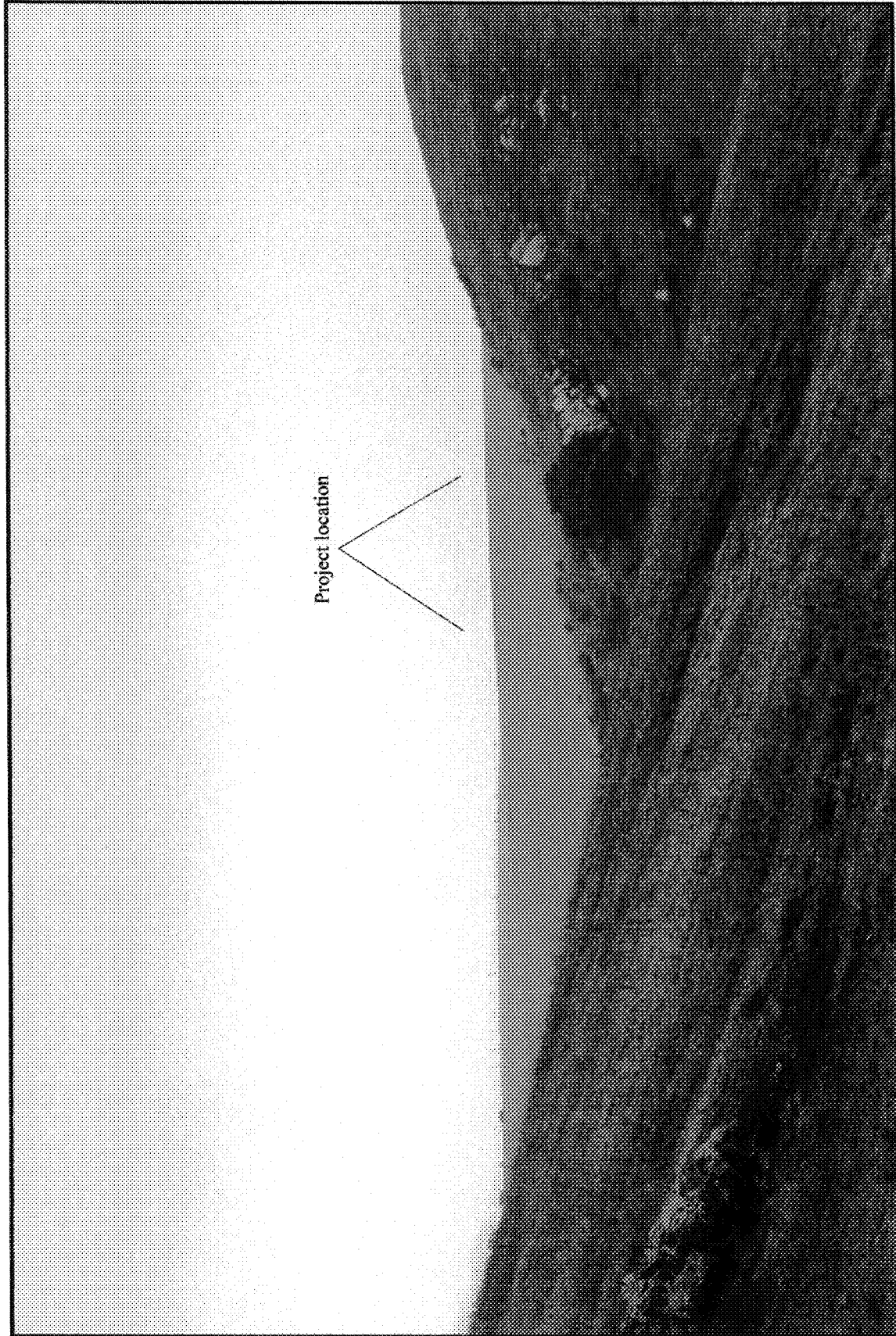
2-34



Malouin residence
February 25, 2006

Photographic record of on-site pylons

EXHIBIT D

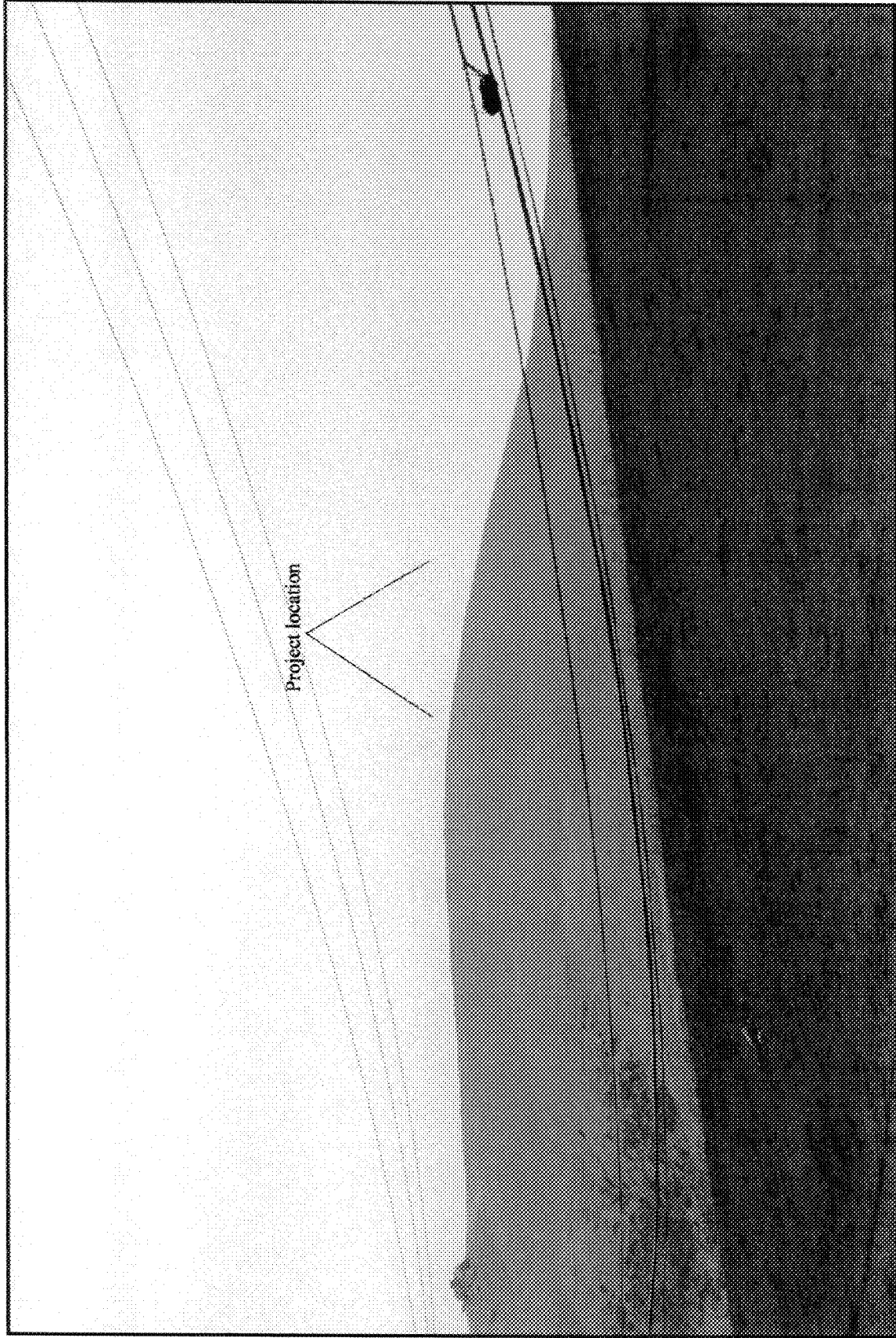


Malouin residence
February 25, 2006

Photographic record of on-site pylons
as viewed from southbound Highway 1

EXHIBIT E

2-36



Malouin residence
February 25, 2006

Photographic record of on-site pylons
as viewed from northbound Highway 1

EXHIBIT F

2-37

DESIGN CHANGES – COMPARISON WITH PREVIOUS PLAN – Malouin Harmony Project

DRC-2004-00066

<i>Description</i>	<i>Old Plan (rev.10)</i>	<i>New Plan (rev.11)</i>	<i>Diff.</i>
--------------------	--------------------------	--------------------------	--------------

Residence

Cut Amount (Cubic Yards)	8000	4900	-39%
Fill Amount (Cubic Yards)	1200	270	-77%
Area of Disturbance	1.50 acres	0.71 acre	-53%

Barn – incl. Dressage arena

Cut Amount (Cubic Yards)	550	0	-100%
Fill Amount (Cubic Yards)	550	3530	+642%
Area of Disturbance	0.52 acre	0.75 acre	+44%

Driveway

Cut Amount (Cubic Yards)	1500	1500	same
Fill Amount (Cubic Yards)	1500	2600	+73%
Area of Disturbance	3.0 acres	3.0 acres	same

Totals – incl. Dressage arena

Cut Amount (Cubic Yards)	10,050	6400	-36%
Fill Amount (Cubic Yards)	3,250	6400	+97%
Area of Disturbance	4.95 acres	4.46 acres	-10%



2-38

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

Date: January 26, 2006

To: Planning Commission

From: Murry Wilson – Planning Staff

Via: Matt Janssen – Supervising Planner, Current Planning

Subject: Added findings for Item 1, Malouin Development Plan / Coastal Development Permit DRC2004-00066

In addition to the findings discussed on pages 2-13 and 2-14 (*Exhibit A –Findings*) of the staff report, staff would like to add the following findings which are required for an adjustment to wetland and riparian habitat setbacks:

Wetland setback adjustment

- O. The site would be physically unsuitable for the principal permitted use unless the setback is reduced along the existing ranch road to provide access to the proposed building site because no sites that would be invisible from Highway 1 (consistent with visual and scenic resource policies) and be located completely outside the drainage swale (which contains the sensitive habitat) to locate the proposed residence and barn without improving the existing ranch road to access the proposed building site.
- P. The reduction is the minimum (70 feet) that would enable a principle permitted use to be established on the site because alternative routes to the building site have been considered and determined to be more visible and would create a greater impact because less grading and impacts to sensitive species will be required to make improvements to the existing road as apposed to creating a new road that would meet the 100 foot setback requirement along the northern property line.

Riparian habitat setback adjustment

- Q. Alternative locations and routes are infeasible or more environmentally damaging because additional impacts to sensitive species on the site would occur by relocating the location of the access road outside the 100 foot setback.
- R. Adverse environmental effects are mitigated to the maximum extent feasible because no direct impact to the habitat will occur and mitigation is include to provide sedimentation and erosion control as well as construction fencing to keep construction activities outside the habitat area.

- S. The adjustment is necessary to allow a principle permitted use of the property and redesign of the proposed development would not allow the use with the standard setbacks because no other location on the lower elevations of the property (south and west of where the setback adjustment is proposed) would allow the project to be developed without encroaching into the required setbacks.
- T. The adjustment is the minimum that would allow for the establishment of the principal permitted use while still addressing all relevant coastal policies and environmental concerns.



2-40
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

Date: January 26, 2006

To: Planning Commission

From: Murry Wilson – Planning Staff

Via: Warren Hoag – Division Manager, Current Planning 

Subject: Changes to Staff Report for Item 1, Malouin Development Plan / Coastal Development Permit DRC2004-00066

This item was continued from the January 12, 2006 Planning Commission hearing. ***Please bring your staff report from the previous hearing because that report will not be reproduced in full.*** This memo addresses incorrect data provided in the prior staff report regarding the visibility assessment, and includes additional exhibits related to the visibility assessment and presents revised conditions incorporating the additional conditions that were added at the previous hearing by staff as an attachment.

Update to Visibility Assessment (page 2-4)

The following discussion of project visibility supersedes the information discussed on page 2-4 of the staff report. During the initial site selection process, staff visited the site with the applicant and reviewed the Visibility Assessment (April 2004) prepared for the project. During an on-site meeting between staff and the applicant, staff suggested relocating the residence to the north of the proposed site along the existing agricultural road to use a combination of existing topography and a constructed berm to hide the proposed residence from Highway 1. With the suggested revisions provided from staff and concurrence from the applicant, a final Visibility Assessment (Project Visibility Confirmation, August 2004) was conducted which eliminated views of the proposed berm from Key Viewing Areas 2 and 3 as previously discussed.

Following revisions to the proposed plan and inspection by the visual consultants, none of the reference pylons that were set on-site (representing the residential structure and berm) could be seen traveling in a northbound direction along Highway 1. It was concluded that no berm would be necessary along the southern side of the residence if the project were constructed consistent with the information provided in Attachment A and B of the visibility confirmation letter. The changes to the proposed plan also reduced the overall size and height of the proposed berm from approximately 13 feet to a maximum height of 8 feet - 7 inches at its highest point. The project, as designed, will only be visible for approximately 8 seconds traveling southward along Highway 1 (KVA-

2-41

1-2

1). The proposed berm will completely block the residential structure as viewed from Highway 1.

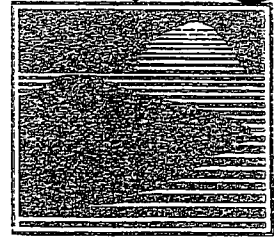
Recommendation

Staff recommends approval of the project based on the findings in Exhibit A of the January 12, 2006 staff report, the revised discussion of project visibility assessment and the attached revised conditions of approval.

Attachments

1. Visibility Confirmation Letter (August 2004)
2. Revised Conditions of Approval

2-42



August 4, 2004

Matt Janssen
County of San Luis Obispo
Department of Planning and Building
County Government Center, Room 310
San Luis Obispo, CA 93408

MORRO
GROUP, INC.
Environmental Services

SUBJECT: *Malouin Residence Visibility Confirmation Letter*

Dear Mr. Janssen:

Please find enclosed the Project Visibility Confirmation letter for the Malouin Residence, as well as the corresponding photographs and graphics. If you have any questions regarding these documents, please feel free to contact our office at your convenience.

Sincerely,

MORRO GROUP, INC.

Bill Henry, AICP
Vice-President

Enclosure

2-43

~~1-4~~

Robert Carr
Landscape Architect no. 3473
4345 Poinsettia Street
San Luis Obispo, CA 93401
rgcarr@charter.net
(805) 549-9882

August 4, 2004

Bill Henry, Vice President
Morro Group Inc.
1422 Monterey Street Suite C200
San Luis Obispo, CA 93401
(805) 543-7095

SUBJECT: PROJECT VISIBILITY CONFIRMATION

PROJECT: MALOUIN RESIDENCE VISIBILITY ANALYSIS
3255 STATE HIGHWAY ONE
SAN LUIS OBISPO COUNTY
Jim Malouin, Project Applicant

This letter is intended to provide confirmation of the extent of visibility of specific project features proposed as part of the Malouin residential development east of Highway 1 near Harmony. This confirmation effort was conducted at the request of the San Luis Obispo County Planning Department and Mr. Malouin in order to ensure protection of visual resources along the scenic Highway 1 corridor. The focus of this effort was to determine the visibility of the relocated, repositioned and resized residential structure, and the visibility and effectiveness of a newly proposed single earthen berm north of the residence. This confirmation review supplements information provided in the Visibility Assessment prepared by the Morro Group and Robert Carr in April, 2004 for this project.

On July 17, 2004 Bill Henry of Morro Group, Inc. and Robert Carr, visual resource consultant met at the project site with Jim Malouin for the purpose of determining the extent of visibility of revised residential site and earthen berm locations. Prior to the meeting Mr. Malouin had surveyed and installed reference pylons at critical project element locations such as the berm and the roof ridgelines. At the project site, the heights and locations of the pylons were checked by Mr. Henry and Mr. Carr for accuracy relative to the applicant's topographic mapping and proposed site plan. Attachments A and B indicate the surveyed pylon points proposed by Mr. Malouin and observed by Mr. Henry and Mr. Carr. Attachment C is a photographic record of the on-site reference pylons as seen from the immediate project area.

Following the project on-site inspection, Mr. Henry and Mr. Carr conducted a visibility assessment of the project from Highway 1. Based on this assessment, using binoculars as well as un-aided vision, project visibility was determined as follows:

As viewed from northbound Highway 1, no reference pylons representing the residential structure or the northern berm could be seen. It was concluded that the residence would not be visible from anywhere in the northbound direction and that no berm would be necessary along the southern side of the residence if the project were constructed consistent with the information provided in Attachment A and B.

As viewed from the southbound direction of Highway 1, the berm was visible for approximately eight seconds at the posted speed limit. Direct observation of the pylons indicated that the berm as

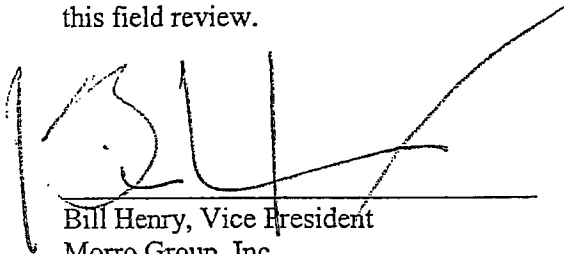
2-44

~~15~~


proposed would completely block the residential structure. The view to the project site from this section of Highway 1 near Nikki's Beach Road is outside of the highway traveler's likely "cone-of-vision" and is somewhat compromised by intervening vegetation and landform.

The field review confirmed that the residential structure, if built consistent with the information shown on Exhibit A and B, is not expected to be visible from any point on Highway 1.

It is important to note that the mitigation measures recommended in the April, 2004 Visual Assessment should be implemented to ensure the greatest protection of scenic resources. In addition, the proposed "barn", analyzed in the previous Visibility Assessment was not re-evaluated as part of this field review.



Bill Henry, Vice President
Morro Group, Inc.

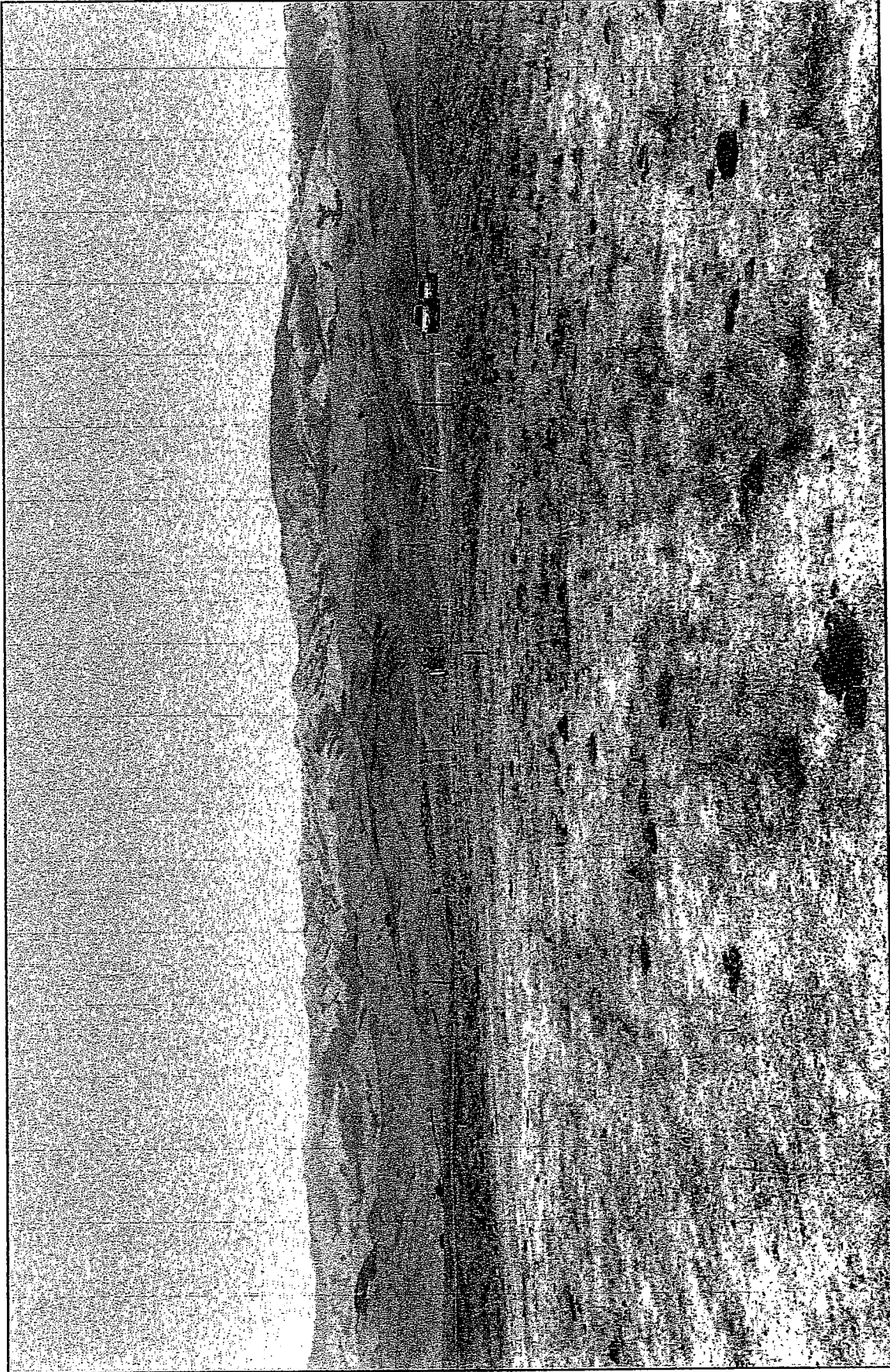


Robert Carr
Visual Resource Consultant
Landscape Architect 3473

cc: attachments
projfile

2-45

~~1-6~~



Photographic record of pylons on-site.
Malouin property - July 21, 2004

246

HIGHWAY 1

1-7

Jim Malouin
Harmony project
7/20/04

northern berm

481'5"
2'0" pylon

480'4"
3'5" pylon

479'1" (5'11")
482'4" (6'8")
483'10" (1'2")

pad 472' elev.
(pylon length)

477'11"
6'0" pylon

479'9" (5'3")
480'5" (8'7")
479'1" (5'11")

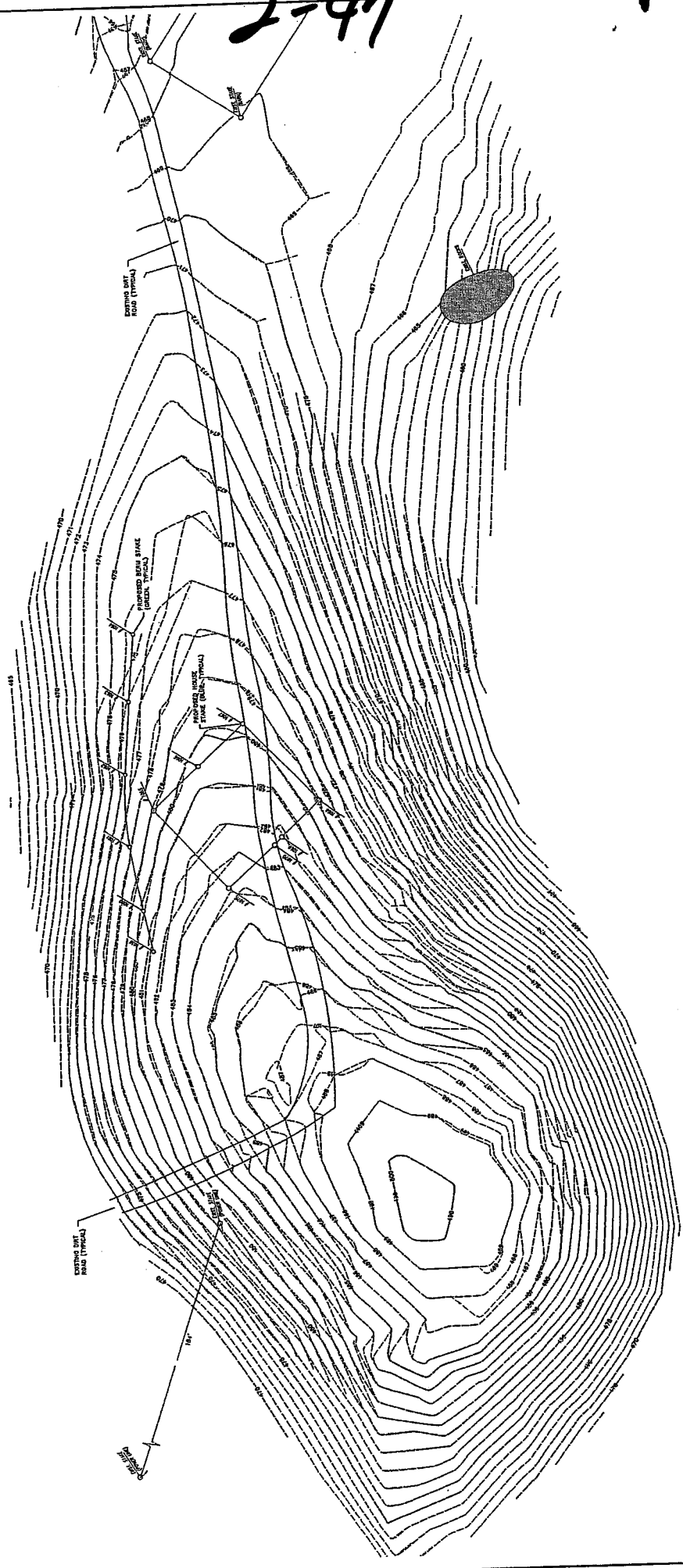
476'5"
8'7" pylon

478'6"
5'4" pylon

24" taper
pylon

Pad elevation = 472' 0"
Residence = 80' wide x 70' deep
Ridge ht. = 17' 0"
Wall hts. = 13' 0"
Average berm pylon ht. (4 tallest) = 70"

2-47



TOPOGRAPHIC SURVEY

PARCEL 2 OF PARCEL MAP
CO. 15-244 (10) LUS. 081802
COUNTY OF CALIFORNIA
1/10/08 080-08-010 : 010

SHOULDERS
CHAND
SURVEYS
8005 LOS GATOS ROAD
SAN JOSE, CA 95128
8005 464-7407 - FAX
8005 464-7407 - FAX

Attachment A

5

Y. J. SWEET

GRAPHIC SCALE



2-48

1-9

EXHIBIT B – REVISED CONDITIONS OF APPROVAL

(New wording is shown in italics)

Approved Development

1. This approval authorizes
 - a. the construction of a one-story approximately 3,500 square foot single family residence, a one-story approximately 1,800 square foot barn, an approximately 4,500 foot long residential driveway, and associated grading activities.
 - b. maximum height for the proposed barn is 17 feet as measured from average natural grade and the maximum height of the proposed residence is 17 feet as measured from the finished floor elevation of 472.5 feet.

Conditions required to be completed at the time of application for construction permits

Site Development

2. Plans submitted shall show all development consistent with the approved site plan and grading plan provided that the plans shall be revised to show the maximum extents of grading activities required for project improvements (i.e. grading control line) consistent with the requirements of the biological assessment and shall also be reviewed by the visual consultant to ensure conformance with all recommendations included in the visual assessment with regards to creation of the berm and required structural elevations. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - 1) Floor plans and elevations shall be submitted for the barn and residence that conform to the approved project description stated in condition number 1 (a) and (b) above.
 - 2) The maximum height of the proposed structures shall be consistent with condition number 1 (b) above and all plans shall be consistent with the visual assessment prepared for the project (i.e. structures not visible from Highway 1).
3. The applicant shall apply for an encroachment permit from The California Department of Transportation (Caltrans) and submit a written acknowledgement from the department permits office stating that the driveway connection to State Route 1 has been designed to the satisfaction of the state engineering and environmental standards.

Aesthetics

4. The applicant shall provide an exterior lighting plan. The plan shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from Highway 1 and the key viewing areas identified in the visibility assessment (April 2004). All lighting poles, fixtures, and hoods shall be dark colored. This plan shall be implemented prior to final inspection or occupancy, whichever occurs first.

5. An erosion control/ seeding plan shall be prepared by a qualified erosion control and revegetation expert and approved by the appropriate County representative. The erosion control strategy shall include a mechanical component such as erosion control blanket, as well as a seed mix consisting of grass species found on the adjacent hillsides. Successful erosion control measures will reduce the potential for gullying and visual scars on the berm (may be combined with sedimentation and erosion control plan).
6. The project applicant shall retain a qualified revegetation and erosion control expert to monitor the success of the erosion control and grass revegetation efforts for period of 2 years after construction. Between the months of October and April the monitor shall make bi-monthly site visits, identify any deficiencies, and recommend measures to fix deficiencies. The project applicant shall implement the recommendations of the monitor. The monitor shall provide an annual written report of the progress to the appropriate County representative.
7. The roofs of the residential and barn structures should be designed with hipped rooflines. Roof and wall colors shall be limited to earth tones, muted greens, browns and grays and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building. No shiny metal or glazed tile roofing material shall be used. These measures will ensure visual compatibility between the structures and the setting if for some reason in the future the effectiveness of the berm is compromised.
8. The top of the proposed water tanks shall 2 ft. lower than the top of the adjacent berm. If the water tanks are redesigned to be located along the north side of the residence, the top of the proposed water tanks shall be 2 ft. lower than the top of the adjacent berm on the north side. This will result in effective visual screening of the water tanks as seen from Highway 1.

Fire Safety

9. All plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated November 2, 2004.

Services

10. The applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
11. The applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Biology

12. The limits of disturbance shall be shown on the project plans. Ground disturbance shall be confined to the smallest possible area during grading and construction activities.

13. A qualified botanist shall develop a restoration and monitoring plan that will be approved by the County Planning Department prior to its implementation. The restoration and monitoring plan shall include the following activities:
- a) Prior to any ground disturbing activities, a qualified botanist shall inventory the area to be impacted (impact area) and record the number of paintbrush plants to be removed, the number of paintbrush plants in the surrounding area that will not be removed, and document all the number of each species of other associated plant species in the impact area. Similarly, the paintbrush populations on the remainder of the property shall be accurately mapped and counted.
 - b) Topsoil from the impact area shall be collected and stockpiled until project activities cease, after which the topsoil shall be replaced on the cut and fill slopes.
 - c) At least one year from restoring the topsoil to the cut and fill slopes, a qualified botanist shall monitor the plant regeneration in the impact area by documenting the numbers of paintbrush plants that regenerate in the area. The number of each species of other associated plants shall also be documented in the impact area. Monitoring efforts should be conducted during the flowering period for the paintbrush so that it can be identified if it occurs in the impact area.
 - d) At the conclusion of the monitoring effort, the botanist shall submit a monitoring report to the County Planning Department documenting the findings of the restoration efforts. If plants do not regenerate the first year, monitoring in two subsequent years during the paintbrush flowering period shall be required, with submittal of a monitoring report to the County. Upon approval of the final monitoring report by the County, restoration efforts would cease.
 - e) *Construction fencing shall be erected prior to ground disturbance around the on-site drainage swale. (Added condition)*

Geology

14. The roadbed design shall be based on sampling and testing of the underlying rock. The results of the sampling and testing shall be submitted with the proposed road design.
15. The location of the on-site wastewater disposal system shall be located a minimum of 50 feet from any structure and sited where adequate percolation rates and sufficient unsaturated permeable sediments or rock are present. Disposal sites shall be located away from steep slopes where surfacing effluent could occur.
16. The applicant shall submit a Storm Water Pollution Prevention Plan to the Department of Planning and Building.
17. The applicant shall submit a sedimentation and erosion control plan (CZLUO Section 23.05.036) for review and approval by the County Planning Department.
18. The applicant shall submit a drainage plan (CZLUO Section 23.05.042) for review and approval by the County Planning Department.

Conditions to be completed prior to issuance of a construction permit***Fees***

19. The applicant shall pay all applicable school and public facilities fees.

Agriculture

20. The applicant shall establish an agricultural easement in a form approved by County Counsel for the portion of the site supporting grazing / agricultural operations. The easement shall also be established over the remaining paintbrush populations.

Cultural Resources

21. The applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The consulting archaeologist responsible for the monitoring program shall be provided with a copy of the previous archaeological investigations (Singer, 2004). The monitoring plan shall include at a minimum:
- A. List of personnel involved in the monitoring activities;
 - B. Description of how the monitoring shall occur;
 - C. Description of frequency of monitoring (e.g. full-time, part-time, spot checking);
 - D. Description of what resources are expected to be encountered;
 - E. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
 - F. Description of procedures for halting work on the site and notification procedures;
 - G. Description of monitoring reporting procedures.

Conditions to be completed during project construction***Aesthetics***

22. Prior to framing inspection and after completion of rough grading of the site and berm, a qualified visual resource expert shall verify the effectiveness and appearance of the berm relative to the proposed structure. Reference flags or markers shall be erected at the critical dimensions of the proposed residential and barn structure. The project site shall be viewed from the key visibility areas along Highway 1 identified in the Visibility Assessment, Morro Group, April 2004. If it appears after the final grading the residence will be visible above the berm, recommendations shall be made to eliminate such visibility. If necessary, final adjustments shall be implemented to ensure that the berm will successfully hide the structure and will appear as a naturally occurring landform.
23. *Topsoil from all disturbed areas shall be removed, stockpiled, and reapplied during final grading as a surface layer to the entire berm. This measure will reduce the potential visible contrast between the berm and the adjacent hillside and will promote grass growth. (Added condition)*

24. *No solid fencing or walls shall be installed if they can be seen from Highway 1. Fencing shall have an open character and be agriculture or rural in appearance. Colors shall generally be earth-toned, and white or light colored materials or paint shall not be used. No site amenities such as sheds, storage areas, stockpiles, etc. shall be built or placed along the outside of the berm. This measure will reduce visible contrast with the rural setting as seen from Highway 1. (Added condition)*

Building Height

25. Prior to approval of the foundation inspection, the control point shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
26. Prior to approval of the roof nailing inspection, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Air Quality

27. The applicant shall reduce the amount of the disturbed area where possible.
28. The applicant shall use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water shall be used whenever possible.
29. All dirt stock-pile areas shall be sprayed daily as needed.
30. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
31. Upon completion of initial site-disturbance/grading activities, exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.
32. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the erosion control expert.
33. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
34. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
35. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

253

1-14

36. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
37. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads.

Geology

38. Cut and fill slopes of 2:1 are recommended for newly created cut and fill slopes.
39. Upon completion of grading activities and as soon as feasible, drainage improvements shall be installed to handle winter rainfall runoff in the vicinity of the proposed structures and roadway and designed to prevent erosion.
40. The project engineer shall observe the leach field excavations to ensure compliance with the recommendations of the geotechnical reports and present the findings in an "as-graded" report prepared by the engineer of record **prior to final inspection.**

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

Fire Safety

41. To minimize potential fire safety impacts, the applicant agrees to abide by the recommendations made by the California Department of Forestry (November 2, 2004 letter), and the Fire Safety Standards (CZLUO Sec. 23.05.086). All conditions stated in the fire safety plan shall be met **prior to final inspection.**

Aesthetics

42. The applicant shall provide verification (by means of consultation with the projects visual consultant and written documentation) that all required recommendations to reduce project visibility (numbers 1-10 from the Visibility Assessment) have been implemented to the satisfaction of the County of San Luis Obispo per the recommendation of the Visibility Assessment, Morro Group, April 2004; *and consistent with the Visibility Confirmation Letter (August 2004).* **(Altered condition)**
43. To the greatest extent possible, final grading of the berms and all other earthwork shall be constructed with a rounded transition between adjacent slope and grade-angles. The radius of the rounding shall be as large as possible. This slope rounding measure will reduce the angular appearance of the berms and other earthwork as seen from State Highway 1 and the Key Viewing Areas.
44. Topsoil from all disturbed areas shall be removed, stockpiled, and reapplied during final grading as a surface layer to the entire berm. This measure will reduce the potential visible contrast between the berm and the adjacent hillside and will promote grass growth.

7-54

~~1-15~~

Archaeology

45. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.

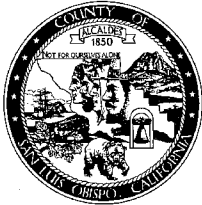
On-going conditions of approval (valid for the life of the project)

Aesthetics

46. No solid fencing or walls shall be installed if they can be seen from Highway 1. Fencing shall have an open character and be agricultural or rural in appearance. Colors shall be generally earth-tone, and white or light colored materials or paint shall not be used. No site amenities such as sheds, storage areas, stockpiles, etc. shall be built or placed along the outside of the berm. This measure will reduce visible contrast with the rural setting as seen from Highway 1.
47. Planting of vegetation and/or construction of additional structures visible from Highway 1 may result in significant visual impacts. A visual analysis shall be conducted for future site improvements potentially visible from Highway 1.
48. Absolutely no trees, shrubs, or ground cover shall be planted on or around the earthen berm such that the plant would be visible from Highway 1. No trees or shrubs shall be planted between the residence and the residence side of the surrounding berm that will extend above the height of the berm and consequently be seen from Highway 1. Only grasses similar to the existing grass on the adjacent hillsides shall be planted on the side of the berm visible from the highway. No supplemental irrigation shall be applied to the grasses once they have been established. This measure will reduce noticeability of the project site, and will minimize visual contrast between the project site and the adjacent landcover.

General Conditions

49. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
50. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.



Promoting the wise use of land
Helping build great communities

2-155
COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION

MEETING DATE January 12, 2006 LOCAL EFFECTIVE DATE January 26, 2006 APPROX FINAL EFFECTIVE DATE February 15, 2006	CONTACT/PHONE Murry Wilson (805) 788-2352	APPLICANT Jim and Marijane Malouin	FILE NO. DRC2004-00066
<p>Request by Jim and Marijane Malouin for a Development Plan / Coastal Development Permit to allow for the construction of a one-story approximately 3,500 square foot single family residence, a one-story approximately 1,800 square foot barn, an approximately 4,500 foot long residential driveway, and associated grading activities. The project will result in the disturbance of approximately 4.95 acres a 120-acre parcel. The proposed project is within the Agriculture land use category and is located on Highway 1 approximately 4,335 feet (0.82 miles) south of Harmony Valley Road and the community of Harmony. The site is in the North Coast planning area.</p>			
<p>RECOMMENDED ACTION</p> <ol style="list-style-type: none">1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.2. Approve the Development Plan / Coastal Development Permit DRC2004-00066 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<p>ENVIRONMENTAL DETERMINATION</p> <p>The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 10, 2005 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards, and Transportation included as conditions of approval.</p>			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Streams and Riparian Vegetation, Geologic Study Area, and Local Coastal Plan	ASSESSOR PARCEL NUMBER 046-061-010 and 046-061-011	SUPERVISOR DISTRICT(S) 2
<p>PLANNING AREA STANDARDS:</p> <p>Site Selection</p> <p><i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i></p>			
<p>LAND USE ORDINANCE STANDARDS:</p> <p>Agricultural Accessory Structures, Residential Uses in the Agriculture Category, Height, Parking, Setbacks, Sensitive Resource Area, Stream and Riparian Vegetation, Geologic Study Area, Archaeologically Sensitive Areas, and Local Coastal Program</p> <p><i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i></p>			

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242

2-756

EXISTING USES: Grazing	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture / grazing with residence <i>South:</i> Agriculture / grazing <i>East:</i> Agriculture / grazing / residence / row crops <i>West:</i> Agriculture / grazing with residence	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North of Community Advisory Council, Public Works, Ag Commissioner, CDF, Department of Fish and Game, Cal Trans and the California Coastal Commission	
TOPOGRAPHY: Rolling coastal hill to moderate sloping	VEGETATION: Valley and Southern Coastal Grasslands, Wetland and Stock pond
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: November 8, 2004

DISCUSSION

Setting

The proposed project site is located approximately 1 mile south of the community of Harmony along a ridgeline in an area consisting of moderately to steeply sloping hills on the east side of Highway 1 (State Scenic Highway / Federal Scenic Bi-Way). The proposed project location is approximately 0.3 miles east of the highway. The parcel is currently used primarily for livestock grazing in an area that has historically and predominantly been used for agriculture uses. An existing unpaved ranch road provides site access and little vegetation other than denuded grasslands and scattered coyote brush exist in the project vicinity. A natural stand of oak trees is found at lower elevation; below the project site near the access road on the north and east facing slopes. A few scattered agricultural buildings and eucalyptus stands are visible adjacent to the highway on the hills in the surrounding area.

The topography in the project vicinity consists of low lying farmlands, rolling coastal hills and the Santa Lucia Mountain Range to the east of the project site (as viewed from Highway One). The area's visual quality is ranked high due to the fact that numerous residences and other man made alterations have not been introduced into the view corridor.

PLANNING AREA STANDARDS:

Site Selection

Primary site selection for new development shall be in locations **not visible** from Highway 1 as follows:

1. Sites shall be selected where hills and slopes would shield development unless no alternative location exists or the location provides visitor-serving facilities.
2. New development shall be located so that no portion of a structure extends above the highest horizon line of ridgelines as seen from Highway 1.

3. Where single ownership is on both sides of Highway 1, building sites shall be located on the east side of Highway 1 except for identified visitor-serving development.
4. Development proposals for sites with varied terrain are to include design provisions for concentrating developments on moderate slopes, retaining steeper slopes visible from public roads undeveloped.

The San Luis Obispo County General Plan and North Coast Area Plan have ordinance and policy requirements relevant to the visibility of the proposed project. Most importantly, **North Coast Rural Area Standard**, Areawide 6 (as noted above), requires new development to be sited to minimize visibility from Highway 1. The site selection criteria includes: using existing topography to shield development from Highway 1, avoiding steep slopes, keeping development below ridgelines and directing development to the east side of the highway versus the west (when ownership is on both sides).

A Visibility Assessment was conducted on the project site (Visibility Assessment, April 2004) that assessed the projects potential visibility (as viewed from key viewing areas along Highway 1). The assessment included recommendations to eliminate project visibility which will be required to be implemented as conditions of approval for this project. The project site was assessed to determine all potential viewing locations along the Highway 1 corridor. The site was surveyed and reference pylons at critical project element locations were set. The consultants performing the visual assessment checked the pylons for accuracy relative to the topographic mapping and site plan.

The location chosen for the barn structure (taller of the two proposed structures at seventeen feet from average natural grade) will be completely screened from Highway 1 using existing site topography and landforms as required by site selection criteria # 1. No portion of the barn structure will be visible or extend above the highest horizon line as viewed from the key viewing areas along Highway 1 (as required by site selection criteria # 2). The project site is located on the east side of Highway 1 with the proposed location of the barn being sited on nearly level terrain (approximately 1-2 percent) which meets the intent of the site selection criteria # 3 and # 4. The barn will be conditioned to have a maximum height of seventeen feet as measured from the average natural grade to ensure that no portion of the structure will be visible from Highway 1 (consistent with the findings and recommendations of the Visibility Assessment).

A majority of the project site is visible from Highway 1, which consists mostly of steeper slopes, thus requiring a combination of site selection and mitigation in order to eliminate visibility of the proposed residential structure. The visual analysis prepared for this project determined that by reducing the original height of the residential structure from nineteen and a half feet to a maximum height of seventeen feet (measured from the finished floor elevation of 472.5 feet), and careful use of a constructed berm, the project will effectively be screened from view of Highway 1. As viewed from southbound

2-458

Planning Commission

Development Plan / Coastal Development Permit #DRC2004-00066 / Malouin

Page 4

Highway 1 (Key Viewing Area 1, KVA-1), the proposed berm was visible for approximately eight seconds at the posted speed limit. The berm, although relatively small, is expected to completely screen visibility of the residential structure, water tanks, and the vehicle parking area. Because of the distant viewing location of KVA-1, the height and length of the proposed berm will likely not appear out of scale with the setting (see attached photos from Visibility Assessment). The shape of the berm will look natural and will be compatible with surrounding landforms. If grasses are established on the berm similar to those found on the existing hillside, the berm will likely be difficult to discern from the adjacent slopes. The proposed barn and access road/driveway are not expected to be visible from KVA-1.

As viewed from Highway 1 (Key Viewing Area 2, KVA-2), the viewing angle becomes almost perpendicular to the direction of travel, which will likely diminish views of the project site along the highway. The view of the project area is approximately three seconds in a motor vehicle. The western third of the berm along the north side of the project will be visible. The proposed barn and access road/driveway are not expected to be visible from KVA-2.

As viewed from northbound Highway 1 (Key Viewing Area 3, KVA-3), the project site is seen almost directly ahead of the viewer for approximately 18 seconds at the posted speed limit. As proposed, the residence will not be visible from anywhere in the northbound direction and no berm would be necessary along the southern side of the residence as the project is proposed. The proposed barn and access road / driveway are not expected to be visible from KVA-3, KVA-2 and KVA-1.

The field review confirmed that the residential structure, barn and access driveway are not expected to be visible from any point on Highway 1. The combination of site selection, earthen berms and reduced structure height are expected to successfully eliminate views of the residential structure as seen from Highway 1. Landscaping will not be recommended as a means of screening development and will not be allowed on or around the earthen berm such that the plants would be visible from Highway 1. The berm will be replanted using stockpiled topsoil from project grading activities. Mitigation measures recommended in the April 2004 Visual Assessment will be implemented to ensure the greatest protection of scenic resources. The implementation of the above referenced measures will mitigate visual impacts to a level of insignificance, therefore, no significant aesthetic impacts will occur with the development of the single-family residence, barn and access road. These mitigation measures are listed in detail in the conditions of approval for this project.

Planning Commission

Development Plan / Coastal Development Permit #DRC2004-00066 / Malouin

Page 5

LAND USE ORDINANCE STANDARDS:

<u>Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Minimum Site Area	20 to 360 acres	120 acres (parcel 2 of CO 75-0214)
Setbacks	Front – 25 feet Side – 30 feet Rear – 30 feet	~1,000 feet ~1,000 feet ~700 feet
Height	35 feet	Maximum 17 feet
Parking (<i>where applicable</i>)	(2) on-site	(2) on-site

Section 23.08.041 - Agricultural Accessory Structures

Agricultural accessory structures shall satisfy the requirements of Section 23.08.167 (Limitation on Location – Prime Soils). The proposed structure will not be located on prime soils as required by ordinance standards and will meet all other requirements in regards to required setbacks and minimum site area.

Section 23.08.167 - Residential Uses in the Agriculture Category

Dwellings in the Agriculture land use category are allowed as an accessory uses on the same site as an agricultural use. Primary dwellings and farm support quarters shall not be located on prime soils unless no other feasible location exists. Primary dwellings in the Agriculture category are limited to one primary unit per legal parcel. The proposal will meet all the requirements of a residential use in the Agriculture category. The soil classes on-site consist of Los Osos Loam, Gazo-Lodo Clay Loams, Diablo and Cibo clays, Diablo-Lodo Complex and Los Osos Diablo Complex (class III to VI non-irrigated with no class applicable to irrigated soils). The site has historically been used for grazing activities and will continue with the development of the proposed residence.

COMBINING DESIGNATIONS:

Section 23.07.160 - Sensitive Resource Area

An areas with special environmental qualities or areas containing unique or endangered vegetation or habitat resources are mapped as a Sensitive Resource Area (SRA). The purpose of the combining designation standards is to require that proposed uses be designed with consideration to the identified sensitive resources, and the need for their protection, and to satisfy the requirements of the California Coastal Act. The following findings are required for development located within a Sensitive Resource Area:

2-60

1. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design.
2. Natural features and topography have been considered in the design and siting of all proposed physical improvements.
3. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.
4. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designated to prevent soil erosion, and sedimentation of streams through undue surface runoff.

Section 23.07.174 - Streams and Riparian Vegetation

Coastal streams and adjacent riparian areas are environmentally sensitive habitats. The provisions of this section are intended to preserve and protect the natural hydrological system and ecological functions of coastal streams. Development shall be sited and designed to protect the habitat and shall be compatible with the continuance of such habitat. Within rural areas, development shall be setback a minimum of 100 feet from mapped coastal streams in order to protect the resource.

The project site is approximately 120 acres consisting primarily of grassland habitats. A tributary to Ellysly Creek (coastal stream) which originates on the property is the reason for the Streams and Riparian Vegetation combining designation. This tributary is not a mapped coast stream. Wetlands are present within the drainage and a perennial stockpond within the northernmost drainage. The pond provides a perennial aquatic habitat for reptiles, amphibians, birds, and other animals. The proposed driveway crosses two side tributaries to this northernmost drainage. Culverts are in place and no impacts to jurisdictional water or wetlands are anticipated by the proposed project (Biological Assessment, June 2005). Wetlands only occur within northernmost drainage, outside the immediate project area, and in a side tributary where no new culverts are proposed. The proposed project will not inhibit the natural functions of these resources because the project has been sited to "avoid" the identified resources.

California red-legged frogs and Southwestern pond turtles were identified in the northernmost drainage, adjacent to the project area but outside the immediate project area (approximately 70 feet from the roads closest approach). Upland habitat for California red-legged frogs is poor on the project site. No suitable habitat that would provide moist conditions for overland movement of California red-legged frogs is present. Movement of California red-legged frogs is very likely to be limited to the drainages during times of surface flows. Mitigation measures are included as conditions of approval to protect these species including construction fencing to limit disturbance to the areas outside the drainage swale. No impacts to the small riparian area as well as the perennial pond habitat on the project site were identified in the botanical assessment prepared by Althouse and Meade (Biological Assessment, June 2005). Culverts installation in the small non-wetland erosion features shall be installed in the dry season when water is not present. The proposed project as designed will not impact the sensitive drainage areas therefore no impacts will occur to the special aquatic sites.

2-761

Section 23.07.080 - Geologic Study Area

The project parcel is within a mapped geologic study area. An Engineering Geology Investigation (Cleath and Associates, 2003) and Geotechnical Engineering Report (Mid-Coast Geotechnical, 2003) were prepared for the proposed development. The reports addressed road improvements along the existing ranch road and structural improvements required to site the structures.

As proposed, the project will result in the disturbance of approximately 4.95 acres of the project site. Proposed grading for the access road will occur on the existing ranch road, minimizing the grading required to access the building site by using existing access roads. The existing road will require improvements for the residential use including widening and paving where the slopes exceed CDF requirements for dirt roads. The 4.95 acres of disturbance described above includes the area of the ranch road that will need to be improved therefore the area of "new" soil disturbance is much less and limited to the flatter portions of the site where structural improvements are proposed. No impacts resulting from landslide are expected at the proposed residential building site or along the driveway alignment.

Section 23.07.104 - Archaeologically Sensitive Areas

A preliminary site survey was conducted for the project site by C.A. Singer and Associates (March, 2004). The survey found archaeological resources on the property, all of which are associated with a small rock outcropping. Improvements to the existing agricultural road had no identifiable impacts on cultural resources and completion of driveway improvements should have no impact on cultural resources. The proposed locations of the house and barn have been sited with these resources in mind and the chosen location should not impact any resources if proper mitigation is implemented. After conclusion of the preliminary site survey, there is no evidence that cultural resources exist on the terrace where construction activities are proposed, but due to the proximity of the known site, subsurface resources could be present under the surface. In order to avoid impacts to CA-SLO 2339, temporary construction fencing will be required to be erected around the outcropping during all ground disturbance activities (as part of the monitoring plan). Impacts to potential subterranean resources will be mitigated through archaeological monitoring and data recovery (if resources are encountered). Conditions of approval are included to reduce potential impacts to archaeological resources.

Section 23.07.120 - Local Coastal Program Area

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

COASTAL PLAN POLICIES:

Shoreline Access: ☒ N/A

Recreation and Visitor Serving: ☒ N/A

Energy and Industrial Development: ☒ N/A

Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A

Environmentally Sensitive Habitats: Policy No(s): 1, 2, 7, 12, 15, 16, 18, 20, 21, and 28

2-867

Agriculture: Policy No(s): 1, 3, and 4

Public Works: Policy No: 1

Coastal Watersheds: Policy No(s): 7, 8, 9, and 10

Visual and Scenic Resources: Policy No(s): 1, 2, 4, 5, and 7

Hazards: Policy No: 9

Archaeology: Policy No(s): 1, and 6

Air Quality: Policy No: 1

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

Environmentally Sensitive Habitats

Policy 1: Land Uses within or adjacent to Environmentally Sensitive Habitats. The project is proposed to be located a minimum of 70 feet at the closest point from the environmentally sensitive habitat (tributary to a coastal stream). No native or riparian vegetation or wetland habitat associated with the coastal stream tributary will be removed as a part of proposed project.

Policy 2: Permit requirements. The project as proposed will not have a significant impact on the sensitive habitat and is consistent with the biological continuance of the habitat. The project is proposed to be located a minimum of 70 feet at the closest point from the environmentally sensitive habitat (tributary to a coastal stream). No disturbance of the sensitive habitat is proposed as a part of this project.

Policy 7: Protection of Environmental Sensitive Habitats. Wetlands are environmentally sensitive habitats. These habitats shall be protected and preserved through project design. No disturbance to the wetland habitat is proposed and sediment and erosion control devices will be required to ensure protect of those resources during rain events. Project limits will be defined on the construction documents as a condition of approval.

Policy 12: State Department of Fish and Game Review. The Department of Fish and Game reviewed this proposal and made recommendations based on the Biological Assessment performed for the project site. Mitigation measures were included as part of this report and approved by the Department of Fish and Game.

Policy 15: Vehicle Traffic in Wetlands. No vehicle traffic shall be permitted in wetlands. Conditions of approval have been included to fence sensitive areas from vehicle traffic.

Policy 16: Adjacent Development. Development has been sited to avoid impacts to the wetland habitat. Sedimentation and erosion control will be required in order to reduce potential impacts to the wetland habitat as well as down stream sedimentation.

Policy 18: Wetland Buffer Less than 100 Feet. In the case where wetland buffers are adjusted less than 100 feet, site specific factors shall be considered and mitigation measures included protecting the habitat. After review of the project by the consulting biologist and further review by the Department of Fish and Game and County Staff, it

2-163

has been determined that appropriate mitigations have been included to protect this habitat.

Policy 20: Coastal Streams and Riparian Vegetation. The proposed project will not impact a coast stream or associated riparian vegetation. Only a small bunch of riparian habitat (within a tributary to a coastal stream) exists on the subject property and no impacts to the resource are anticipated.

Policy 21: Development in or Adjacent to a Coastal Stream. The proposed project will not degrade the coastal stream habitat and will be compatible with the continuance of the habitat. Only a tributary to a coastal stream is located on the project site and adequate sediment and erosion control measures will be in place during construction activities.

Policy 28: Buffer Zone for Riparian Habitats. In rural areas, a setback of 100 feet between any new development and the upland edge of riparian habitats is required. The project is proposed to be located approximately 100 feet from the upland edge of the isolated portion of riparian habitat on the site.

Agriculture

Policy 1: Maintaining Agricultural Lands. Lands suitable for agriculture shall be maintained in or available for agricultural production. The applicant is proposing a single family dwelling which is allowed as an accessory use to the existing agricultural activity (grazing). The site will remain in Williamson Act contract and the applicant has verified compliance with their Williamson Act contract.

Policy 3: Non-Agricultural Uses. In agriculturally designated areas, all non-agricultural development shall be compatible with preserving a maximum amount of agricultural use. The proposal will allow the land owners to run the family ranch operation from the proposed residence as well as reside on the parcel. The development is located on non-prime lands and will result in no adverse effects on the continuance or establishment of agricultural uses on the site or the immediate vicinity.

Policy 4: Siting of Structures. A single-family residence and accessory agricultural building shall be located on other than prime soils where possible. The proposed project is not located on prime soils and will not limit adjacent agricultural uses.

Public Works

Policy 1: Availability of Service Capacity. The applicant has demonstrated that adequate private service capacities are available to serve the proposed project because the applicant has demonstrate that adequate water is present and that the site is suitable for a septic system by mean of a well test (13.11 GPM for 4 hours) and soils evaluations on the project site.

Coastal Watersheds

Policy 7: Siting of New Development. Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent. Grading that will occur on slopes of greater than 20 percent requires a Minor Use Permit or Development Plan approval and shall consider site characteristics such as proximity

2-16-04

of nearby streams, erosion potential and slope stability, amount of grading necessary, and measures proposed to reduce potential erosion and sedimentation. The applicant will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) as a condition of approval to control potential erosion from the project and the project has been sited approximately 100 feet from the perennial drainage on-site.

Policy 8: Timing of Construction and Grading. Land clearing and grading shall be avoided during the rainy season if there is potential for sedimentation and erosion. Appropriate sedimentation and erosion control devices will be required to be in place within 48 hours of a predicted rain event if grading activities will be occurring between October 15th and May 15th.

Policy 9: Techniques for Minimizing Sedimentation. Appropriate control measures shall be utilized to minimize erosion and sedimentation. A site specific plan shall be prepared by a qualified professional. The applicant will be required to submit a SWPPP (for all projects over an acre of site disturbance) prior to issuance of a construction permit to ensure that water quality will not be impacted by increased sedimentation and erosion from project improvements.

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. The applicant will be required to submit a drainage plan for approval by the public works department prior to permit issuance to ensure the proposed drainage plan does not increase erosion. Preliminary drainage plans have been submitted and reviewed by the Department of Public Works.

Visual and Scenic Resources

Policy 1: Protection of Visual and Scenic Resources. Unique and attractive features of the landscape shall be preserved and protected. The project is consistent with this policy because the project has been sited so it will not be visible from Highway 1. The visual quality of the area will be maintained as the house will be sited to not be visible from any portion of Highway 1 or other public viewing areas. Temporary grading activities will be visible in the short term but the project has been conditioned to re-apply top soil and native seeds where these grading activities will be visible from public areas and Highway 1.

Policy 2: Site Selection for New Development. Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. The applicant has chosen a location (for the barn) that will be completely invisible from Highway 1 using existing topography. The residential structure will use existing topography as well as creating a berm along the western portion of the residence to eliminate potential views from Highway 1 (as described above and in the Visibility Assessment).

Policy 4: New Development in Rural Areas. New development shall be sited to minimize visibility from public view corridors. Structures shall be designed to be subordinate to, and blend with, the rural character of the area. The applicant has chosen a location for the barn that will be completely invisible from Highway 1 as well as the residence (with the addition of the proposed berm).

2-1165

Policy 5: Landform Alterations. Grading, earthmoving, major vegetation removal and other landform alterations within public view corridors are to be minimized. Proposed grading for the access road will take place mostly along the existing ranch road. Grading activities associated with the berm will be completed and top soil replied to the surfaces (as viewed from Highway 1) to minimize the visual difference between the created berm and natural slopes and grasses.

Policy 7: Preservation of Trees and Native Vegetation. The location and design of improvements will not require any tree removal. The applicant is proposing to access the site by an existing ranch road that will require minimal improvements and impacts to native plants species found on the project site.

Hazards

Policy 9: High Fire Risk Areas. New residential development shall be required to be reviewed and conditioned to meet the requirements of the fire chief. The applicant has submitted a fire letter and will comply with the requirements of the fire protection provider.

Archaeology

Policy 1: Protection of Archaeological Resources. The applicant will be required to submit a monitoring plans and the archaeological site will be protected with construction fencing though out the project.

Policy 6: Archaeological Resources Discovered during Construction or thought other Activities. Where substantial archaeological resources are discovered during construction of new development, all activities shall cease until a qualified archaeologist can determine the significance of the resource and alternative mitigations approved. A monitoring plan will be required as a condition of approval and monitoring will be required during the ground disturbance phase of construction.

Air Quality

Policy 1: Air Quality. The county has reviewed this project and standard air quality mitigation measures for project with similar amounts of disturbance have been applied to the project.

STAFF COMMENTS:

The applicant has preformed extensive biological assessments on the project site and evaluated project impacts as required by ordinance and the Coastal Policies document. Two rare plants will be impacted by the proposed project, Obispo Indian paintbrush and Cambria morning glory. The building sites for the barn and residence will not impact rare species because none occur in those sites. The proposed driveway improvements will result in impacts to these species, approximately 1.6 percent of the paintbrush population on-site and 2.0 percent of the morning glory population on-site respectively. These impacts will not be significant based on the county's typical thresholds (10 percent of locally occurring population).

2-17-06

COMMUNITY ADVISORY GROUP COMMENTS: No comments

AGENCY REVIEW:

Public Works – Recommend approval, no concerns.

Ag Commissioner – Property is under Williamson Act Contract. Recommends using existing agricultural road to access proposed residence where possible.

CDF – See fire letter (Attached).

Department of Fish and Game – Provided comments on review of botanical reports

California Coastal Commission – No comments.

Cal Trans – Encroachment permit required to repave access onto the state highway.

LEGAL LOT STATUS:

The existing lot was legally created by Parcel Map CO 75-0214, Parcel #2.

Attachment A – Fire Letter

Staff report prepared by Murry Wilson and reviewed by Matt Janssen.

2-13 07

EXHIBIT A - FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 10, 2005 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards, and Transportation included as conditions of approval.

Development Plan

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because a single-family residence accessory to the agricultural operations being conducted on a site is an allowable use subject to the requirements of Title 23 and the LCP.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code and the LCP.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because a single-family residence accessory to the agricultural operations does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because a single-family residence accessory to the agricultural operations is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because a single-family residence accessory to the existing agricultural operations located on Highway 1, a road constructed to a level able to handle any additional traffic associated with this project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

2-14-68

Sensitive Resource Area

- H. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because all project improvements will be located at the closest location, 70 feet from the identified sensitive resource on the project site (Streams and Riparian Vegetation).
- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the existing ranch road will provide access to the residence.
- J. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because the existing ranch road will provide access to the residence and no impacts to the sensitive resource will occur with the required mitigation.
- K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because preliminary drainage and site design has been submitted and reviewed by the Public Works Department for conformance with applicable standards.

Environmentally Sensitive Habitats

- L. There will be no significant impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of that habitat because the project has been sited to avoid impacts to the sensitive resource / habitat on the property.
- M. The proposed use will not significantly disrupt the habitat because all improvements have been sited to avoid impacts to the sensitive resource / habitat on the property.

Archeological Sensitive Area

- N. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because monitoring will be required during ground disturbance and construction fencing will be erected around the known portion of the archaeological site.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes
 - a. the construction of a one-story approximately 3,500 square foot single family residence, a one-story approximately 1,800 square foot barn, an approximately 4,500 foot long residential driveway, and associated grading activities.
 - b. maximum height for the proposed barn is 17 feet as measured from average natural grade and the maximum height of the proposed residence is 17 feet as measured from the finished floor elevation of 472.5 feet.

Conditions required to be completed at the time of application for construction permits

Site Development

2. Plans submitted shall show all development consistent with the approved site plan and grading plan provided that the plans shall be revised to show the maximum extents of grading activities required for project improvements (i.e. grading control line) consistent with the requirements of the biological assessment and shall also be reviewed by the visual consultant to ensure conformance with all recommendations included in the visual assessment with regards to creation of the berm and required structural elevations. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - 1) Floor plans and elevations shall be submitted for the barn and residence that conform to the approved project description stated in condition number 1 (a) and (b) above.
 - 2) The maximum height of the proposed structures shall be consistent with condition number 1 (b) above and all plans shall be consistent with the visual assessment prepared for the project (i.e. structures not visible from Highway 1).
3. The applicant shall apply for an encroachment permit from The California Department of Transportation (Caltrans) and submit a written acknowledgement from the department permits office stating that the driveway connection to State Route 1 has been designed to the satisfaction of the state engineering and environmental standards.

Aesthetics

4. The applicant shall provide an exterior lighting plan. The plan shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from Highway 1 and the key viewing areas identified in the visibility assessment (April 2004). All lighting poles, fixtures, and hoods shall be dark colored. This plan shall be implemented prior to final inspection or occupancy, whichever

2-16-70

occurs first.

5. An erosion control/ seeding plan shall be prepared by a qualified erosion control and revegetation expert and approved by the appropriate County representative. The erosion control strategy shall include a mechanical component such as erosion control blanket, as well as a seed mix consisting of grass species found on the adjacent hillsides. Successful erosion control measures will reduce the potential for gulying and visual scars on the berm (may be combined with sedimentation and erosion control plan).
6. The project applicant shall retain a qualified revegetation and erosion control expert to monitor the success of the erosion control and grass revegetation efforts for period of 2 years after construction. Between the months of October and April the monitor shall make bi-monthly site visits, identify any deficiencies, and recommend measures to fix deficiencies. The project applicant shall implement the recommendations of the monitor. The monitor shall provide an annual written report of the progress to the appropriate County representative.
7. The roofs of the residential and barn structures should be designed with hipped rooflines. Roof and wall colors shall be limited to earth tones, muted greens, browns and grays and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building. No shiny metal or glazed tile roofing material shall be used. These measures will ensure visual compatibility between the structures and the setting if for some reason in the future the effectiveness of the berm is compromised.
8. The top of the proposed water tanks shall 2 ft. lower than the top of the adjacent berm. If the water tanks are redesigned to be located along the north side of the residence, the top of the proposed water tanks shall be 2 ft. lower than the top of the adjacent berm on the north side. This will result in effective visual screening of the water tanks as seen from Highway 1.

Fire Safety

9. All plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated November 2, 2004.

Services

10. The applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
11. The applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

2-12-71

Biology

12. The limits of disturbance shall be shown on the project plans. Ground disturbance shall be confined to the smallest possible area during grading and construction activities.
13. A qualified botanist shall develop a restoration and monitoring plan that will be approved by the County Planning Department prior to its implementation. The restoration and monitoring plan shall include the following activities:
 - a) Prior to any ground disturbing activities, a qualified botanist shall inventory the area to be impacted (impact area) and record the number of paintbrush plants to be removed, the number of paintbrush plants in the surrounding area that will not be removed, and document all the number of each species of other associated plant species in the impact area. Similarly, the paintbrush populations on the remainder of the property shall be accurately mapped and counted.
 - b) Topsoil from the impact area shall be collected and stockpiled until project activities cease, after which the topsoil shall be replaced on the cut and fill slopes.
 - c) At least one year from restoring the topsoil to the cut and fill slopes, a qualified botanist shall monitor the plant regeneration in the impact area by documenting the numbers of paintbrush plants that regenerate in the area. The number of each species of other associated plants shall also be documented in the impact area. Monitoring efforts should be conducted during the flowering period for the paintbrush so that it can be identified if it occurs in the impact area.
 - d) At the conclusion of the monitoring effort, the botanist shall submit a monitoring report to the County Planning Department documenting the findings of the restoration efforts. If plants do not regenerate the first year, monitoring in two subsequent years during the paintbrush flowering period shall be required, with submittal of a monitoring report to the County. Upon approval of the final monitoring report by the County, restoration efforts would cease.

Geology

14. The roadbed design shall be based on sampling and testing of the underlying rock. The results of the sampling and testing shall be submitted with the proposed road design.
15. The location of the on-site wastewater disposal system shall be located a minimum of 50 feet from any structure and sited where adequate percolation rates and sufficient unsaturated permeable sediments or rock are present. Disposal sites shall be located away from steep slopes where surfacing effluent could occur.
16. The applicant shall submit a Storm Water Pollution Prevention Plan to the Department of Planning and Building.
17. The applicant shall submit a sedimentation and erosion control plan (CZLUO Section 23.05.036) for review and approval by the County Planning Department.

2-1877

18. The applicant shall submit a drainage plan (CZLUO Section 23.05.042) for review and approval by the County Planning Department.

Conditions to be completed prior to issuance of a construction permit

Fees

19. The applicant shall pay all applicable school and public facilities fees.

Agriculture

21. The applicant shall establish an agricultural easement in a form approved by County Counsel for the portion of the site supporting grazing / agricultural operations. The easement shall also be established over the remaining paintbrush populations.

Cultural Resources

22. The applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The consulting archaeologist responsible for the monitoring program shall be provided with a copy of the previous archaeological investigations (Singer, 2004). The monitoring plan shall include at a minimum:
- A. List of personnel involved in the monitoring activities;
 - B. Description of how the monitoring shall occur;
 - C. Description of frequency of monitoring (e.g. full-time, part-time, spot checking);
 - D. Description of what resources are expected to be encountered;
 - E. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
 - F. Description of procedures for halting work on the site and notification procedures;
 - G. Description of monitoring reporting procedures.

Conditions to be completed during project construction

Aesthetics

23. Prior to framing inspection and after completion of rough grading of the site and berm, a qualified visual resource expert shall verify the effectiveness and appearance of the berm relative to the proposed structure. Reference flags or markers shall be erected at the critical dimensions of the proposed residential and barn structure. The project site shall be viewed from the key visibility areas along Highway 1 identified in the Visibility Assessment, Morro Group, April 2004. If it appears after the final grading the residence will be visible above the berm, recommendations shall be made to eliminate such visibility. If necessary, final adjustments shall be implemented to ensure that the berm will successfully hide the structure and will appear as a naturally occurring landform.

2-19 73

Building Height

24. Prior to approval of the foundation inspection, the control point shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
25. Prior to approval of the roof nailing inspection, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Air Quality

26. The applicant shall reduce the amount of the disturbed area where possible.
27. The applicant shall use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water shall be used whenever possible.
28. All dirt stock-pile areas shall be sprayed daily as needed.
29. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
30. Upon completion of initial site-disturbance/grading activities, exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.
31. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the erosion control expert.
32. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
33. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
34. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
35. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
36. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads.

2-2074

Geology

37. Cut and fill slopes of 2:1 are recommended for newly created cut and fill slopes.
38. Upon completion of grading activities and as soon as feasible, drainage improvements shall be installed to handle winter rainfall runoff in the vicinity of the proposed structures and roadway and designed to prevent erosion.
39. The project engineer shall observe the leach field excavations to ensure compliance with the recommendations of the geotechnical reports and present the findings in an "as-graded" report prepared by the engineer of record **prior to final inspection.**

Conditions to be completed prior to occupancy or final building inspection / establishment of the use

Fire Safety

40. To minimize potential fire safety impacts, the applicant agrees to abide by the recommendations made by the California Department of Forestry (November 2, 2004 letter), and the Fire Safety Standards (CZLUO Sec. 23.05.086). All conditions stated in the fire safety plan shall be met **prior to final inspection.**

Aesthetics

41. The applicant shall provide verification (by means of consultation with the projects visual consultant and written documentation) that all required recommendations to reduce project visibility (numbers 1-10 from the Visibility Assessment) have been implemented to the satisfaction of the County of San Luis Obispo per the recommendation of the Visibility Assessment, Morro Group, April 2004.
42. To the greatest extent possible, final grading of the berms and all other earthwork shall be constructed with a rounded transition between adjacent slope and grade-angles. The radius of the rounding shall be as large as possible. This slope rounding measure will reduce the angular appearance of the berms and other earthwork as seen from State Highway 1 and the Key Viewing Areas.
43. Topsoil from all disturbed areas shall be removed, stockpiled, and reapplied during final grading as a surface layer to the entire berm. This measure will reduce the potential visible contrast between the berm and the adjacent hillside and will promote grass growth.

Archaeology

44. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.

On-going conditions of approval (valid for the life of the project)

Aesthetics

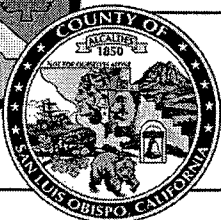
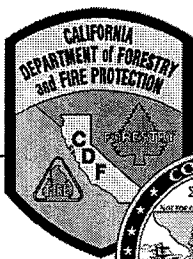
45. No solid fencing or walls shall be installed if they can be seen from Highway 1. Fencing shall have an open character and be agricultural or rural in appearance. Colors shall be generally earth-tone, and white or light colored materials or paint shall not be used. No site amenities such as sheds, storage areas, stockpiles, etc. shall be built or placed along the outside of the berm. This measure will reduce visible contrast with the rural setting as seen from Highway 1.
46. Planting of vegetation and/or construction of additional structures visible from Highway 1 may result in significant visual impacts. A visual analysis shall be conducted for future site improvements potentially visible from Highway 1.
47. Absolutely no trees, shrubs, or ground cover shall be planted on or around the earthen berm such that the plant would be visible from Highway 1. No trees or shrubs shall be planted between the residence and the residence side of the surrounding berm that will extend above the height of the berm and consequently be seen from Highway 1. Only grasses similar to the existing grass on the adjacent hillsides shall be planted on the side of the berm visible from the highway. No supplemental irrigation shall be applied to the grasses once they have been established. This measure will reduce noticeability of the project site, and will minimize visual contrast between the project site and the adjacent landcover.

General Conditions

48. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
49. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

2-277 76

RECEIVED
NOV 05 2004
Planning & Bldg



CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

November 2, 2004

County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

MW

Subject: Project # DRC2004-00066 (Malouin)

Dear North Coast team members,

I have reviewed the referral for the minor use permit for the proposed large single family residence project located at State Highway 1 near Harmony, CA. This project is located approximately 15 minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires.

It is designated a High Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

Access Road

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:
 - Parcels less than 1 acres 800 feet
 - Parcels 1 acre to 4.99 acres 1320 feet
 - Parcels 5 acres to 19.99 acres 2640 feet
 - Parcels 20 acres or larger 5280 feet

2-23 77

- The road must be 18 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.
- All roads must be able to support a 20 ton fire engine.
- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.
- Vertical clearance of 13'6" is required.

Driveway

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:
 - 0-49 feet, 10 feet is required
 - 50-199 feet, 12 feet is required
 - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.

Water Supply

The following applies:

- ☐ This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.
- ☒ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

Fuel Modification

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 100 foot firebreak. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

Due to the extreme grade of the driveway, both the proposed residence and the garage shall be required to provide a residential fire sprinkler system meeting all standards referenced within NFPA Pamphlet 13D. The project shall provide a minimum of 10,000 gallons of water in storage and must have a minimum "Class A" roof covering and non-combustible siding material.

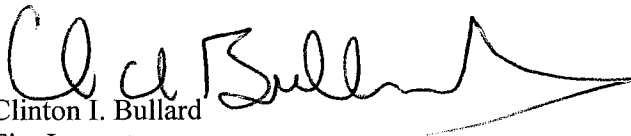
2-24 788

The proposed access road/driveway may require a separate name issued by the County of San Luis Obispo Department of Planning and Building.

Please contact this office to set up a site visit to discuss fire/life safety concerns with the proposed access for this project.

If I can provide additional information or assistance, please call 543-4244.

Sincerely,


Clinton I. Bullard
Fire Inspector

cc: Malouin, Applicant
Gobler, Agent

2-2579



COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (MW)

ENVIRONMENTAL DETERMINATION NO. ED04-231

DATE: November 10, 2005

PROJECT/ENTITLEMENT: Malouin Development Plan /Coastal Development Permit DRC2004-00066

APPLICANT NAME: Jim Malouin

ADDRESS: 10595 Bluff Street, Banning, Ca 92220

CONTACT PERSON: Same as applicant

Telephone: 951-217-3327

PROPOSED USES/INTENT: Request by Jim and Marijane Malouin to allow for the establishment of an approximate 3,500 square foot single family residence, an approximate 1,800 square foot one-story barn, an approximately 4,500 foot long residential driveway, and related grading activities, which will result in the disturbance of approximately 4.95 acres of disturbance on a 120-acre parcel. The site is in the North Coast planning area.

LOCATION: The proposed project is within the Agriculture land use category and is located on Highway 1 approximately 4,335 feet (0.82 miles) south of Harmony Valley Road and the community of Harmony.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: California Department of Fish and Game

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT5 p.m. on November 24, 2005

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

Murry Wilson

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency

2-26 80



San Luis Obispo County
Department of Planning and Building
environmental division

ENVIRONMENTAL DOCUMENT FILING FEE FORM

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo

Date: 11/7/05

County: San Luis Obispo

Project No. PMT2004-03577

Project Title: Malouin Development Plan

Project Applicant

Name: Jim Melouin

Address: 10595 Bluff Street

City, State, Zip Code: Banning, CA 92220

Telephone #: 951-217-3327

Please remit the following amount to the **County Clerk-Recorder:**

() Environmental Impact Report	\$ 850.00
(X) Negative Declaration	\$ 1250.00
(X) County Clerk's Fee	\$ <u>25.00</u>

Total amount due: 1275.00

AMOUNT ENCLOSED: _____

Checks should be made out to the "**County of San Luis Obispo**". Payment must be received by the County Clerk, 1055 Monterey Street, Room D-120, San Luis Obispo, CA 93408-2040, within two days of project approval.

NOTE: Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.

2-2181



**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. Malouin Development Plan **ED04-231 ;DRC2004-00066**

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input checked="" type="checkbox"/> Hazards/Hazardous Materials	<input checked="" type="checkbox"/> Transportation/Circulation.
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water
<input checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Murry Wilson
Prepared by (Print)

Murry Wilson
Signature

11/2/05
Date

John Nall
Reviewed by (Print)

John Nall
Signature

Ellen Carroll,
Environmental Coordinator
(for)

11/3/05
Date

2-2882

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Jim and Marijane Malouin for a Development Plan/Coastal Development Permit to allow for the construction of a one-story single family residence (approximately 3,500 square feet), a one-story barn (approximately 1,800 square feet), and an approximately 4,500 foot long residential driveway, and associated grading activities. The project will result in the disturbance of approximately 4.95 acres on a 120-acre parcel. The proposed project is within the Agriculture land use category and is located on the east side of Highway 1 approximately 4,335 feet (0.8 miles) south of Harmony Valley Road and the community of Harmony. The site is in the North Coast planning area.

ASSESSOR PARCEL NUMBER(S): 046-061-010/011

SUPERVISORIAL DISTRICT # 2

B. EXISTING SETTING

PLANNING AREA: North Coast, Rural

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): Geologic Study, Streams & Riparian Vegetation
, Local Coastal Plan/Program

EXISTING USES: Undeveloped

TOPOGRAPHY: Moderately sloping to steeply sloping

VEGETATION: Grasses

PARCEL SIZE: 120 acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Agriculture; undeveloped	<i>East:</i> Agriculture; undeveloped
<i>South:</i> Agriculture; undeveloped	<i>West:</i> Agriculture; residential

2-29 83

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Change the visual character of an area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	Create glare or night lighting which may affect surrounding areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The proposed project consists of the construction of a single-family residence, a barn and improvements to the existing agricultural road. The project site is located approximately 1 mile south of the community of Harmony along a ridgeline in an area consisting of steep to moderately sloped hills on the east side of Highway 1. The proposed project location is at an approximate elevation of 480 feet above sea level approximately 0.3 miles east of the highway. The parcel is currently used primarily for livestock grazing. An unpaved road provides site access and little vegetation other than denuded grasslands and scattered coyote brush exist in the project vicinity. A natural stand of oak trees are found at lower elevations; below the project site near the access road on the north and east facing slopes. A few scattered agricultural buildings and eucalyptus stands are visible adjacent to the highway and on the surrounding hills in the area.

The San Luis Obispo County General Plan and North Coast Area Plan have numerous ordinances and policy requirements relevant to the proposed projects visibility. Most importantly, **North Coast Rural Area Standard**, Areawide 6, requires new development to be sited to minimize visibility from Highway 1. The site selection criteria includes: using existing topography to shield development from Highway 1, avoiding steep slopes, keeping development below ridgelines and directing development to the east side of the highway versus the west (when ownership is on both sides). A Visibility Assessment was conducted (Visibility Assessment, Morro Group, April 2004) that assessed the project visibility and recommendations to reduce project visibility were provided and will be implemented into the project design.

Impact The project site was assessed to determine all potential viewing locations along the Highway 1 corridor. The site was surveyed and reference pylons at critical project element locations were set. The consultants performing the visual assessment checked the pylons for accuracy relative to the

2-3084

topographic mapping and site plan. Most of the project site is visible from Highway 1, thus requiring a combination of site selection and mitigation, in order to eliminate visibility of the residential structure. The visual analysis determined that by reducing the original proposed height of the structure, and careful use of a constructed berm, the project could effectively be screened from view of highway 1. As viewed from southbound Highway 1 (Key Viewing Area 1, KVA-1), the berm was visible for approximately eight seconds at the posted speed limit. The berm is expected to effectively screen visibility of the residential structure, water tanks, and the vehicle parking area. Because of the distant viewing location of KVA-1, the height and length of the proposed berm will likely not appear out of scale with the setting. The shape of the berm will look natural and will be compatible with surrounding landforms. If grasses are established on the berm similar to those found on the existing hillside, the berm will likely be difficult to discern from the adjacent slopes. The proposed barn and access road/driveway are not expected to be visible from KVA-1.

As viewed from Highway 1 (Key Viewing Area 2, KVA-2), the viewing angle becomes almost perpendicular to the direction of travel, which will likely diminish views of the project site along the highway. The view of the project area is approximately three seconds in a motor vehicle. The western third of the berm along the north side of the project will be visible. The project site is least noticeable from this viewing area. The proposed barn and access road/driveway are not expected to be visible from KVA-2.

As viewed from northbound Highway 1 (Key Viewing Area 3, KVA-3), the project site is seen almost directly ahead of the viewer for approximately 18 seconds at the posted speed limit. As proposed, the residence will not be visible from anywhere in the northbound direction and no berm would be necessary along the southern side of the residence as the project is proposed. The proposed barn and access road/driveway are not expected to be visible from KVA-3.

Mitigation/Conclusion. The field review confirmed that the residential structure is not expected to be visible from any point on Highway 1. The combination of site selection, earthen berms and reduced structure height are expected to successfully eliminate views of the residential structure as seen from Highway 1. Landscaping will not be recommended as a means of screening development and will not be allowed on or around the earthen berm such that the plants would be visible from Highway 1. The berm will be replanted using stockpiled topsoil from project grading activities. Mitigation measures recommended in the April 2004 Visual Assessment will be implemented to ensure the greatest protection of scenic resources. The implementation of the above referenced measures will mitigate visual impacts to a level of insignificance, therefore, no significant aesthetic impacts will occur with the development of the single-family residence, barn and access road. These mitigation measures are listed in detail in Exhibit B - Mitigation Summary Table.

2. AGRICULTURAL RESOURCES

- *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The soil types include:

Los Osos loam (9-30%)

2-3185

Gazos-Lodo clay loams (15-50%) Diablo and Cibo clays (15-30%) Diablo-Lodo Complex (15-50%) Los Osos-Diablo Complex (30-50%)

As described in the NRCS Soil Survey, the "non-irrigated" soil class is "III" to "VI", and the "irrigated" soil class is "not applicable" to "III".

The project is located in a predominantly agricultural area. The majority of the agricultural activities occurring on the property and in the immediate vicinity are limited to grazing. Grazing currently occurs on the subject parcel and will continue to occur after development of the single family residence and barn. The surrounding parcels are used primarily for grazing and will not be impacted by the development of a single-family residence on this parcel. This parcel is currently under Williamson Act contract.

Impact. The project will be setback approximately 750 feet from the nearest property line. No impacts to agricultural resources are anticipated. The proposed parcel will remain under Williamson Act contract and grazing will continue to occur on the parcel. The proposed residence, barn and access driveway will not affect grazing activities that occur in the area or on the subject property and will be incidental to the primary agricultural use (grazing). The residence will allow the applicant to better manage the agricultural operations on the project site.

Mitigation/Conclusion. No mitigation measures are necessary.

3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The Air Pollution Control District has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Impact. As proposed, the project will result in the disturbance of approximately 4.95 acres. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of

2-3786

pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. Based on the size of the proposed project, there is sufficient ground disturbing activities to warrant construction related dust control / air quality mitigation.

Mitigation/Conclusion. To mitigate these potential impacts, the applicant shall comply with the Air Pollution Control District's (APCD) standard dust control measures. The implementation of these measures will mitigate air quality impacts to a level of insignificance, therefore, the potential impacts are considered less than significant. These mitigation measures are listed in detail in Exhibit B - Mitigation Summary Table.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The project site is 120 acres on the east side of Highway 1 south of the town of Harmony. The site consists of moderate to steep slopes supporting grassland habitat over the entire property with very few trees and other vegetation. Three seasonal tributaries to Ellysy Creek originate on the property. Wetlands are present within the drainages. A perennial stockpond in the northern most drainage provides perennial aquatic habitat for reptiles, amphibians, birds and other animals. Claifornia red-legged frogs and Southwestern pond turtles were identified in the northernmost drainage, adjacent to the project area.

The following habitats were observed on the proposed project: Valley and southern coastal grassland, wetland, and stock pond. Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

Plants: One hundred and fourteen species of plants were identified on the property including Obispo Indian paintbrush and Cambria morning glory.

Wildlife: South Western Pond Turtle, California Red Legged Frog

Habitats: Property is located within California Red Legged Frog habitat, valley and southern coastal grasslands, and wetlands.

Impact. The proposed project will impact/disturb 4.95 acres of a 120 acre site. Two rare plants will be impacted by the proposed project, Obispo Indian paintbrush and Cambria morning glory.

2-3387

Approximately 248,348 Obispo Indian Paintbrush occur on the project site. One thousand square yards of paintbrush habitat will be impacted containing approximately 4025 paintbrush plants. This impact is equivalent to 1.62% of the total population on the property. Approximately 1850 Cambria morning glory plants occur on the site and approximately 37 morning glory plants will be impacted or 2% of the population. Hoffman's sanicle occurs in small patches on the property and will not be impacted by the proposed project. California red-legged frog and Southwestern pond turtle were identified in the northernmost drainage adjacent to the project site (road alignment). Mitigation recommendations are included to protect these species. No native oak trees will be impacted by the development of the proposed project and no wetland impacts are anticipated by the proposed project. No impacts will occur to sensitive natural communities on the project site with the development of this project. No impacts will occur to special aquatic sites and the project is not anticipated to impact wildlife movement

Mitigation/Conclusion. The loss of approximately 2 percent of the San Luis Obispo paintbrush and Cambria morning glory populations are marginally significant impacts. As required by CEQA this impact should be mitigated to a less than significant level through a restoration and monitoring plan and an on-site open space easement. Although not much is known about the San Luis Obispo paintbrush, it is thought to be a hemi-parasitic plant, meaning that it lives closely associated with other plant species and is dependent on them for its survival. Therefore, when conducting re-vegetation work for this species, it is important to insure that the other closely associated plant species it depends on also be re-vegetated in the same area. Collection of topsoil and redistribution after completion of grading activities will help to mitigate impacts to these species. A restoration and monitoring plan will be required to be approved prior to permit issuance. The implementation of these measures will mitigate biological impacts to a level of insignificance, therefore, the potential impacts are considered less than significant. These mitigation measures are listed in detail in Exhibit B - Mitigation Summary Table.

5. CULTURAL RESOURCES -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The project is located in an area historically occupied by the Southern Salinan and Obispeno Chumash. No historic structures are present and no paleontological resources are known to exist in the area. The project site contains numerous physical features that are typically associated with prehistoric occupation. Prehistoric populations found and used outcroppings of Franciscan chert and other rocks that are found on the property. Surface reconnaissance found evidence of both prehistoric and early historic activities on the property, principally the extraction and processing of lithic materials, that is, the utilization of various rocks and minerals found in the area.

Impact. A Phase I (surface) survey was conducted (Cultural Resource Survey, C.A. Singer and Associates, March 2004) at the 120-acre project site. All the archaeological resources on the property are associated with small outcroppings of laminated and deformed Franciscan chert. Project impacts can be divided into those associated with construction of the new roadway, and those associated with building the house, barn, and equestrian facilities (i.e. fences, electrical, septic system, etc.). Construction of the old agricultural road had no direct affect on any of the nearby archaeological sites and completion of the new route should have no impact on resources.

2-3488

Construction of a home and barn on the upper terrace near site CA-SLO 2339 has the potential to impact resources located near the outcropping. The proposed location should not directly impact any of the resources but could affect the site if proper mitigation is not implemented. The proposed buildings are located on the flat terrace while the recorded site is on a nearby rocky hilltop. At this time there is no evidence that any resources exist on the terrace in the proposed construction area, but due to the proximity, subsurface resources could be present. The construction excavations could impact archaeological resources, but these resources are not likely to be very extensive.

Mitigation/Conclusion. Direct evidence of past habitation on the terrace (where project improvements are proposed) was not found, although it is probable that soil mixing by generation of grazing cattle have hidden resources. Erecting a temporary construction fence around the outcropping (CA-SLO2339) can eliminate any direct impacts to the hilltop site by means of avoiding the resource. Impacts to subterranean resources that may be discovered during construction can be mitigated to an acceptable degree through archaeological monitoring and systematic data recovery. A Monitoring Plan will be required to guide project work. Three specific actions are recommended by the subject report as key elements for the future monitoring plan: 1) examine the final roadway before any additional grading and the road base is applied; 2) examine the surface of the terrace area immediately after vegetation is removed (grubbed); and 3) examine the excavated footing trenches for the house and other excavations on the terrace.

The project will be required to incorporate the mitigation measures attached in Exhibit B - Mitigation Summary Table to reduce potential archaeological impacts to less than significant levels. This includes providing a Monitoring Plan prior to construction activities that identifies how monitoring will take place and what will be done if materials are discovered, along with a final report that verifies all mitigation measures and activities in the monitoring report have been completed.

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2-3589

6. GEOLOGY AND SOILS -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. GEOLOGY - The topography of the project site is comprised of rolling, broad upland ridges with moderately to steeply sloping flanks that descend to narrow intermittent tributaries of Ellyslly Creek. The area proposed for development is within the Geologic Study Area designation. The landslide risk potential is considered high although the report prepared by Cleath and Associates states there is no landslide or other significant slope failure evident in the proposed construction areas. The liquefaction potential during a ground-shaking event is considered low. No active faulting is known to exist on or near the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils.

Any project within the Geologic Study area designation or within a high liquefaction area is subject to the preparation of a geological report per LUO section 23.07.080© to evaluate the area's geological stability relating to the proposed use. A geological report was conducted for the project (Engineering Geologic Study, Cleath and Associates, November 20, 2003).

DRAINAGE – The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (Ellyslly Creek) from the proposed development is approximately 0.12 miles to the southwest. As described in the NRCS Soil Survey, the soil is considered very poorly to well drained depending upon where on the site you are located. For areas where drainage is identified as a potential issue, the LUO (Sec. 23.05.042) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff will have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION - The soil types include:

(9-30%) Gazos-Lodo clay loams (15-50%) Diablo and Cibo clays (15-50%) Diablo-Lodo Complex (15-50%) Los Osos-Diablo Complex (30-50%) Los Osos loam

As described in the NRCS Soil Survey, the soil surface is considered to have low to moderate erodibility, and moderate to high shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to

2-3690

address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension that monitors this program.

Impact. As proposed, the project will result in the disturbance of approximately 4.95-acres of soil on a 120-acre parcel. Grading activities associated with development of the access road, residential building pad, screening berm, and barn area will create exposed soils that could lead to erosion and sedimentation if proper mitigation is not in place. Mitigation is proposed to reduce project related impacts for storm water as required by County Code and as required the Region Water Quality Control Board.

Mitigation/Conclusion. The sites surface soils are unsuited for foundation or roadbed support in the present state. Conventional earthmoving equipment should be able to expose weathered competent rock at shallow depths that are well suited for construction. Proper drainage control on newly formed slopes and road surfaces should mitigate erosion problems derived from runoff. Thorough sampling and testing will be applied to roadbed design at the lower portions of the site within the easement area because the soils in this area are inherently less stable than the chert and metavolcanic rocks above. An additional study, with subsurface sampling and material testing, will be necessary for foundation and roadway design upon finalization of the development plans. The recommendation derived from the geologic report along with ordinance and code requirements are attached in Exhibit B - Mitigation Summary Table. The implementation of the above referenced measures will mitigate geologic impacts to a level of insignificance, therefore, no significant geologic impacts will occur with this development.

7. HAZARDS & HAZARDOUS MATERIALS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The project is not located in an area of known hazardous material contamination. The

2-3191

project is within a moderate severity risk area for fire as well as being located in State Responsible Area for wild land fire. The project is not within the Airport Review area.

Impact. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk with incorporation of the conditions applied to the project as described in the fire safety plan dated November 2, 2004. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. The applicant will be required to implement the requirements of the fire safety plan dated November 2, 2004. The implementation of the above measure will mitigate hazard impacts to a level of insignificance; therefore, no significant hazard impacts will occur with this development. The mitigation measures are listed in detail in Exhibit B - Mitigation Summary Table.

8. NOISE - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels which exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences). The site is a 120-acre parcel with mostly agricultural activities occurring in the vicinity.

Impact. The project is not expected to generate loud noises, nor conflict with the surrounding uses.

Mitigation/Conclusion. No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2-38 92

9. POPULATION/HOUSING -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. In its efforts to provide for affordable housing, the county currently administers a Community Development block Grant Program, which provides grants to projects relating to affordable housing throughout the county. The parcel does not currently have any residential use. One residential unit will be added to the property.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing. This project is a single-family residence on a large parcel. The project will not have significant affect on population and housing in the area.

Mitigation/Conclusion. No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES -

Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Cambria) is approximately 5.8 miles to the north. The closest Sheriff substation is in San Luis Obispo (Kansas Ave.), which is approximately 20 miles from the proposed project. The project is located in the Coast Unified School District.

Impact. The project direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

2-31-93

Mitigation/Conclusion. Public facility (county) and school (State Government Code 65995 et seq) fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels.

11. RECREATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. The County Trails Plan shows that a potential trail does not go through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

Impact. One single-family residence on a large parcel will not create a significant need for additional parks or recreational resources.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Reduce existing "Levels of Service" on public roadway(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Provide for adequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate internal traffic circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2-4094

**12. TRANSPORTATION/
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. Future development will access onto the following public road(s): Highway 1. The identified roadway is operating at acceptable levels. Referrals were sent to Public Works and Caltrans.

Impact. The proposed project is estimated to generate about 10 trips per day, based on the Institute of Traffic Engineer's manual of 10/unit. This small amount of additional traffic will not result in a significant change to the existing road service levels or traffic safety. A response was received from Caltrans regarding the proposed improvements within the Caltrans right-of-way. The applicant will be required to file for an encroachment permit from the District 5 Permit Office prior to construction activities to assure that work will be done to the Department's engineering and environmental standards.

Mitigation/Conclusion. The implementation of the above referenced measure will mitigate any transportation/circulation related impacts to a level of insignificance, therefore, no significant transportation/circulation impacts will occur with the development of the single-family residence, barn and access road. The mitigation measure is listed in detail in Exhibit B - Mitigation Summary Table.

13. WASTEWATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting. Soil percolation varies depending upon where you are located on the 120 acre site. As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relates to: slow percolation and/or steep slopes and/or shallow depth to bedrock. These limitations are summarized as follows:

Shallow Depth to Bedrock – indicates that there may not be sufficient soil depth to provide adequate

2-4195

soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, chances increase for the effluent to infiltrate cracks that could lead directly to groundwater sources or near wells without adequate filtering, or allow effluent to daylight where bedrock is exposed to the earth's surface. To comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as borings at leach line locations, to show that there will be adequate separation between leach line and bedrock.

Steep Slopes – where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent. To comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as slope comparison with leach line depths, to show that there is no potential of effluent “daylighting” to the ground surface.

Slow Percolation – is where fluid percolates too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch. To achieve compliance with the Central Coast Basin Plan, additional information will be needed prior to issuance of a building permit that shows the leach area can adequately percolate to achieve this threshold.

Impact. The project proposes to use an on-site system as its means to dispose wastewater. Based on the proposed plans, adequate area appears available for an on-site system. The system will be designed and reviewed by the engineer to ensure the system will be sited appropriately and can accommodate the proposed development.

Mitigation/Conclusion. The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. The leach lines shall also be located 50 from any structures. Testing will be required to determine the most favorable location for the system. The percolation rates and depth of permeable soils and rocks will be determined prior to design of the on-site disposal system. Conditions have been included in the geology and soils section to address location of the on-site disposal system. Prior to building permit issuance, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met.

14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2-4296

Setting. The project proposes to use an on-site well as its water source. A pump test report was submitted and demonstrates there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is gently rolling to moderately sloping. The closest creek (Ellysly Creek) from the proposed development is approximately 0.12 miles away. As described in the NRCS Soil Survey, the soil surface is considered to have low to moderate erodibility.

Impact. As proposed, the project will result in the disturbance of approximately 4.95-acres of soil. Storm water related impacts will be addressed by the required sedimentation and erosion control plan, drainage plan, and Storm Water Pollution Prevention Plan. Based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be about 1.77 acre feet/year (AFY)

1 agricultural lot (w/primary (1.44 afy) & guest house (0.33 afy)) = 1.77 afy
Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

A well test was performed on the project site and the well produced over 13 gallons per minute base on a four hour pump test. The lowest rate of draw during the pump test was in the final hour of the test where the well drew 13.11 gpm.

Mitigation/Conclusion. Since no potentially significant water quantity or quality impacts were identified, no specific measures above standard requirements have been determined necessary. Standard drainage and erosion control measures will be required as well as a Storm Water Pollution Prevention Plan, and will provide sufficient measures to adequately protect surface water quality. The mitigation measures are listed in detail in Exhibit B - Mitigation Summary Table (Geology and Soils Section).

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2-4397

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be potentially incompatible with surrounding land uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of the Initial Study.

Mitigation/conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project's, and the effects of probable future projects)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2-4498

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

2-4599

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Division	Not Applicable
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	None
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input checked="" type="checkbox"/>	CA Coastal Commission	None
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry	In File**
<input checked="" type="checkbox"/>	CA Department of Transportation	In File**
<input type="checkbox"/>	Community Service District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>Larry Kelly</u>	In File**
<input type="checkbox"/>	Other _____	Not Applicable

** "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ Project File for the Subject Application

County documents

- ☐ Airport Land Use Plans
- ☒ Annual Resource Summary Report
- ☐ Building and Construction Ordinance
- ☒ Coastal Policies
- ☒ Framework for Planning (Coastal & Inland)
- ☒ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
 - ☒ Agriculture & Open Space Element
 - ☒ Energy Element
 - ☒ Environment Plan (Conservation, Historic and Esthetic Elements)
 - ☒ Housing Element
 - ☒ Noise Element
 - ☐ Parks & Recreation Element
 - ☒ Safety Element
- ☒ Land Use Ordinance
- ☐ Real Property Division Ordinance
- ☒ Trails Plan
- ☐ Solid Waste Management Plan

☒ North Coast Area Plan and Update EIR

☐ Circulation Study

Other documents

- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Areas of Special Biological Importance Map
- ☒ California Natural Species Diversity Database
- ☒ Clean Air Plan
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other _____

2-46100

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Biological Review, Muddy Boots Environmental Consulting, April 2004

Cultural Resource Survey, C.A. Singer & Associates, March 2004

Engineering Geologic Study, Cleath and Associates, November 2003

Geotechnical Engineering Report, Mid-Coast Geotechnical Inc., November 2003

Pump Test Report, Bailey Drilling & Pump, February 2004

Visibility Assessment, Morro Group, April 2004

Visibility Confirmation Letter, Morro Group, August 2004

2-49 101

Exhibit B - Mitigation Summary Table

Aesthetics Mitigation

- AS-1 At the time of application for construction permits**, the applicant shall provide an exterior lighting plan. The plan shall include the height, location, and intensity of **all** exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from Highway 1 and the key viewing areas identified in the visibility assessment (April 2004). All lighting poles, fixtures, and hoods shall be dark colored. This plan shall be implemented **prior to final inspection or occupancy, whichever occurs first**.
- AS-2 Prior to framing inspection and after completion of rough grading of the site and berm**, a qualified visual resource expert shall verify the effectiveness and appearance of the berm relative to the proposed structure. Reference flags or markers shall be erected at the critical dimensions of the proposed residential and barn structure. The project site shall be viewed from the key visibility areas along Highway 1 identified in the Visibility Assessment, Morro Group, April 2004. If it appears after the final grading the residence will be visible above the berm, recommendations shall be made to eliminate such visibility. If necessary, final adjustments shall be implemented to ensure that the berm will successfully hide the structure and will appear as a naturally occurring landform.
- AS-3 Prior to final inspection**, to the greatest extent possible, final grading of the berms and all other earthwork shall be constructed with a rounded transition between adjacent slope and grade-angles. The radius of the rounding shall be as large as possible. This slope rounding measure will reduce the angular appearance of the berms and other earthwork as seen from State Highway 1 and the Key Viewing Areas.
- AS-4** Topsoil from all disturbed areas shall be removed, stockpiled, and reapplied during final grading as a surface layer to the entire berm. This measure will reduce the potential visible contrast between the berm and the adjacent hillside and will promote grass growth.
- AS-6** Absolutely no trees, shrubs, or ground cover shall be planted on or around the earthen berm such that the plant would be visible from Highway 1. No trees or shrubs shall be planted between the residence and the residence side of the surrounding berm that will extend above the height of the berm and consequently be seen from Highway 1. Only grasses similar to the existing grass on the adjacent hillsides shall be planted on the side of the berm visible from the highway. No supplemental irrigation shall be applied to the grasses once they have been established. This measure will reduce noticeability of the project site, and will minimize visual contrast between the project site and the adjacent landcover.
- AS-7** An erosion control/ seeding plan shall be prepared by a qualified erosion control and revegetation expert and approved by the appropriate County representative. The erosion control strategy shall include a mechanical component such as erosion control blanket, as well as a seed mix consisting of grass species found on the adjacent hillsides. Successful erosion control measures will reduce the potential for gullying and visual scars on the berm.
- AS-8** The project applicant shall retain a qualified revegetation and erosion control expert to monitor the success of the erosion control and grass revegetation efforts for period of 2 years after construction. Between the months of October and April the monitor shall make bi-monthly site visits, identify any deficiencies, and recommend measures to fix deficiencies. The project

2-48107

applicant shall implement the recommendations of the monitor. The monitor shall provide an annual written report of the progress to the appropriate County representative.

AS-9 The roofs of the residential and barn structures should be designed with hipped rooflines. Roof and wall colors shall be limited to earth tones, muted greens, browns and grays and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building. No shiny metal or glazed tile roofing material shall be used. These measures will ensure visual compatibility between the structures and the setting if for some reason in the future the effectiveness of the berm is compromised.

AS-10 At the location shown on the project map (Figure 1), the top of the proposed water tanks shall be no higher than 4 ft. above the proposed grade of 480.0 (2 ft. lower than the top of the adjacent berm). If the water tanks are redesigned to be located along the north side of the residence, the top of the proposed water tanks shall be no higher than 13 ft. above the proposed grade of 480.0 (2 ft. lower than the top of the adjacent berm on the north side). This will result in effective visual screening of the water tanks as seen from Highway 1.

AS-11 No solid fencing or walls shall be installed if they can be seen from Highway 1. Fencing shall have an open character and be agricultural or rural in appearance. Colors shall be generally earth-tone, and white or light colored materials or paint shall not be used. No site amenities such as sheds, storage areas, stockpiles, etc. shall be built or placed along the outside of the berm. This measure will reduce visible contrast with the rural setting as seen from Highway 1.

AS-12 Planting of vegetation and/or construction of additional structures visible from Highway 1 may result in significant visual impacts. A visual analysis shall be conducted for future site improvements potentially visible from Highway 1.

AS-13 Prior to final inspection, the applicant shall provide verification (by means of consultation with the projects visual consultant and written documentation) that all required recommendations to reduce project visibility (numbers 1-10) have been implemented to the satisfaction of the County of San Luis Obispo per the recommendation of the Visibility Assessment, Morro Group, April 2004.

Air Quality Mitigation

AQ-1 During the site-disturbance and/or construction phase, the applicant shall reduce the amount of the disturbed area where possible.

AQ-2 During the site-disturbance and/or construction phase, the applicant shall use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water shall be used whenever possible.

AQ-3 During the site-disturbance and/or construction phase, all dirt stock-pile areas shall be sprayed daily as needed.

AQ-4 During the site-disturbance and/or construction phase, permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.

AQ-5 Upon completion of initial site-disturbance/grading activities, exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.

2-49103

- AQ-6 Upon completion of site-disturbance/grading activities**, all disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- AQ-7** All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- AQ-8 During the site-disturbance and/or construction phase**, vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- AQ-9 During the site-disturbance and/or construction phase**, all trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- AQ-10 During the site-disturbance and/or construction phase**, install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- AQ-11 During the site-disturbance and/or construction phase**, sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads.

Biological Resource Mitigation

- BR-1 Prior to issuance of construction permits**, the limits of disturbance shall be shown on the project plans. Ground disturbance shall be confined to the smallest possible area during grading and construction activities.
- BR-2 Prior to issuance of construction permits and prior to conducting any ground disturbance work**, a qualified botanist shall develop a restoration and monitoring plan that will be approved by the County Planning Department prior to its implementation. The restoration and monitoring plan shall include the following activities:

- 1) Prior to any ground disturbing activities, a qualified botanist shall inventory the area to be impacted (impact area) and record the number of paintbrush plants to be removed, the number of paintbrush plants in the surrounding area that will not be removed, and document all the number of each species of other associated plant species in the impact area. Similarly, the paintbrush populations on the remainder of the property shall be accurately mapped and counted.
- 2) Topsoil from the impact area shall be collected and stockpiled until project activities cease, after which the topsoil shall be replaced on the cut and fill slopes.
- 3) At least one year from restoring the topsoil to the cut and fill slopes, a qualified botanist shall monitor the plant regeneration in the impact area by documenting the numbers of paintbrush plants that regenerate in the area. The number of each species of other associated plants shall also be documented in the impact area. Monitoring efforts should be conducted during the flowering period for the paintbrush so that it can be identified if it occurs in the impact area.
- 4) At the conclusion of the monitoring effort, the botanist shall submit a monitoring report to the County Planning Department documenting the findings of the restoration efforts. If plants do not regenerate the first year, monitoring in two subsequent years during the paintbrush flowering period shall be required, with submittal of a monitoring report to the County. Upon approval of the final monitoring report by the County, restoration efforts would cease.

2-50104

BR-3 Prior to issuance of construction permits, an open space easement shall be established over the remaining paintbrush populations. The easement shall be located away from roads and areas that receive on-going maintenance.

Cultural Resource Mitigation

CR-1 Prior to issuance of construction permits, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The consulting archaeologist responsible for the monitoring program shall be provided with a copy of the previous archaeological investigations (Singer, 2004). The monitoring plan shall include at a minimum:

- A. List of personnel involved in the monitoring activities;
- B. Description of how the monitoring shall occur;
- C. Description of frequency of monitoring (e.g. full-time, part-time, spot checking);
- D. Description of what resources are expected to be encountered;
- E. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
- F. Description of procedures for halting work on the site and notification procedures;
- G. Description of monitoring reporting procedures.

CR-2 Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.

Geology and Soils Mitigation

GS-1 Cut and fill slopes of 2:1 are recommended for newly created cut and fill slopes.

GS-2 Upon completion of grading activities and as soon as feasible, drainage improvements shall be installed to handle winter rainfall runoff in the vicinity of the proposed structures and roadway and designed to prevent erosion.

GS-3 Prior to issuance of construction permits, the roadbed design shall be based on sampling and testing of the underlying rock. The results of the sampling and testing shall be submitted with the proposed road design.

GS-4 The location of the on-site wastewater disposal system shall be located a minimum of 50 feet from any structure and sited where adequate percolation rates and sufficient unsaturated permeable sediments or rock are present. Disposal sites shall be located away from steep slopes where surfacing effluent could occur.

GS-5 The project engineer shall observe the leach field excavations to ensure compliance with the recommendations of the geotechnical reports and present the findings in an "as-graded" report prepared by the engineer of record **prior to final inspection**.

2-81 105

GS-6 Prior to issuance of construction permits, the applicant shall submit a Storm Water Pollution Prevention Plan to the Department of Planning and Building.

GS-7 Prior to issuance of construction permits, the applicant shall submit a sedimentation and erosion control plan (CZLUO Section 23.05.036) for review and approval by the County Planning Department.

GS-8 Prior to issuance of construction permits, the applicant shall submit a drainage plan (CZLUO Section 23.05.042) for review and approval by the County Planning Department.

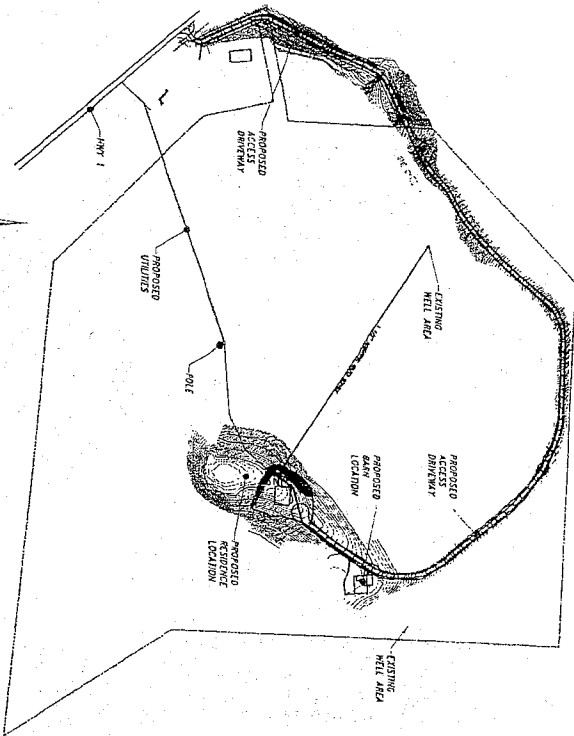
Hazards and Hazardous Materials

HM-1 To minimize potential fire safety impacts, the applicant agrees to abide by the recommendations made by the California Department of Forestry (November 2, 2004 letter), and the Fire Safety Standards (CZLUO Sec. 23.05.086). All conditions stated in the fire safety plan shall be met **prior to final inspection**.

Transportation Mitigation

TR-1 Prior to issuance of construction permits, the applicant shall apply for an encroachment permit from The California Department of Transportation (Caltrans) and submit a written acknowledgement from the department permits office stating that the driveway connection to State Route 1 has been designed to the satisfaction of the state engineering and environmental standards.

2-2106



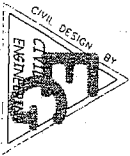
ADJACENT TOPOGRAPHIC SETTING

PARCEL 2. OF CO 75-214 (18PH37)
APN: 045-061-010 & 011

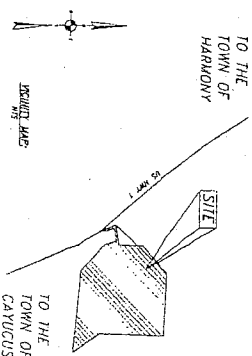
OWNER / DEVELOPER:


PROPERTY OWNER:
JIM WALCOUN
10535 BLUFF ST
BANNING, CA 92220
(909) 849-5530
(909) 972-0754
(909) 217-3377 CELL

SITE ADDRESS:
CABRILLO HIGHWAY (HWY 1)
HARBONY, CA
APH: 045-061-010 a 046-061-011



SHEET INDEX	
SHEET #	SHEET DESCRIPTION
1	TITLE SHEET, SHEET INDEX AND VICINITY MAP
2	CONSTRUCTION, GRADING & DRAINAGE NOTES & DETAILS
3	OVERALL SITE PLAN & SHEET INDEX
4	ACCESS DRIVEWAY PLAN & PROFILE STA 0+00 TO 1+40.00
5	ACCESS DRIVEWAY PLAN & PROFILE STA 1+40.00 TO 2+2+00
6	ACCESS DRIVEWAY PLAN & PROFILE STA 2+2+00 TO 3+5+00
7	ACCESS DRIVEWAY PLAN & PROFILE STA 3+5+00 TO 4+0+00
8	ACCESS DRIVEWAY PLAN & PROFILE STA 4+0+00 TO 4+4+35
9	GRADING, SITE CROSS SECTION B-B
10	GRADING, DRAINAGE, SEPTIC NOTES & DETAILS

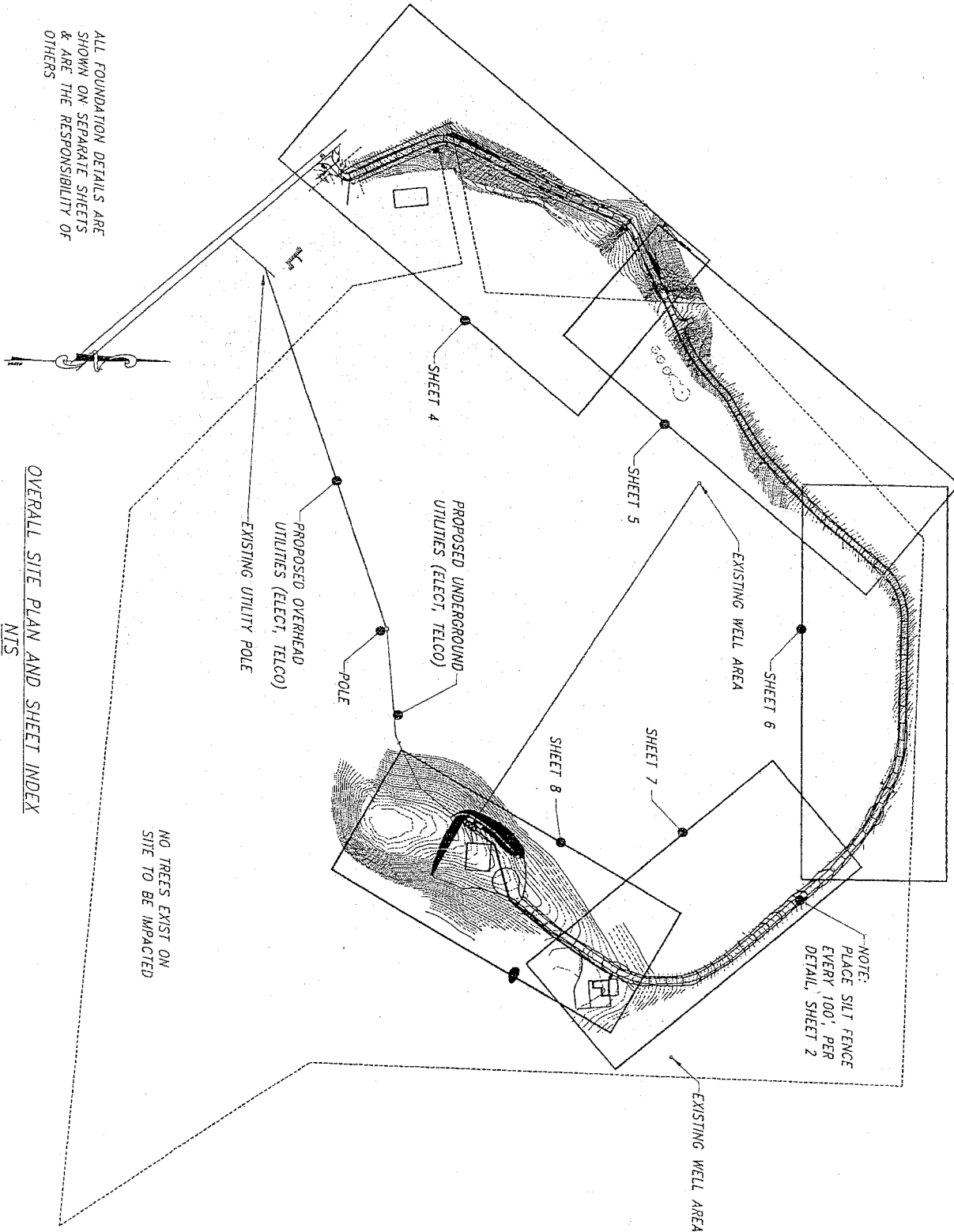


<div style="border: 1px solid black; padding: 2px; margin: 5px auto; width: 30px;">1</div> <div style="border: 1px solid black; padding: 2px; margin: 5px auto; width: 30px;">9</div>	DRAWING NO. 03-115 4749	TITLE SHEET, SHEET INDEX AND VICINITY MAP JIM MALOUIN RESIDENCE PARCEL 2 OF CO 75-214 (189432) APN: 046-061-010 & 046-061-011 CABRILLO HIGHWAY (HWY 1) HARMONY, CA <u>COUNTY OF SAN LUIS OBISPO</u>	ENGINEERING BY ERIC J. GOBLER CIVIL ENGINEERING 9110 ATASCADERO AVE ATASCADERO, CA. 93422 (805) 466-8632 (805) 466-6465 FAX (805) 459-3266 CELL		REVISIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>BY</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table> ACCEPTED BY: COUNTY ENGINEER _____	NO.	BY	DATE	DESCRIPTION																																
	NO.	BY	DATE	DESCRIPTION																																					
DRAWN BY J. Goble	CHECKED BY L.G.	DATE JANUARY 2005																																							

2-54108

ALL FOUNDATION DETAILS ARE
SHOWN ON SEPARATE SHEETS
& ARE THE RESPONSIBILITY OF
OTHERS

OVERALL SITE PLAN AND SHEET INDEX
N/S



NO TREES EXIST ON
SITE TO BE IMPACTED

OVERALL SITE PLAN & SHEET INDEX

JIM MALOUIN RESIDENCE
PARCEL 2, OF CO 75-214 (18PM37)
APN: 046-081-010 & 046-081-011
CABRILLO HIGHWAY (HWY 1) HARMONY, CA.
COUNTY OF SAN LUIS OBISPO

ENGINEERED BY
ERIC J. GOBLER
CIVIL ENGINEERING

9110 ATASCADERO AVE.
ATASCADERO, CA. 93422
(805) 456-8632
(805) 456-8405 FAX
(805) 459-3240 CELL



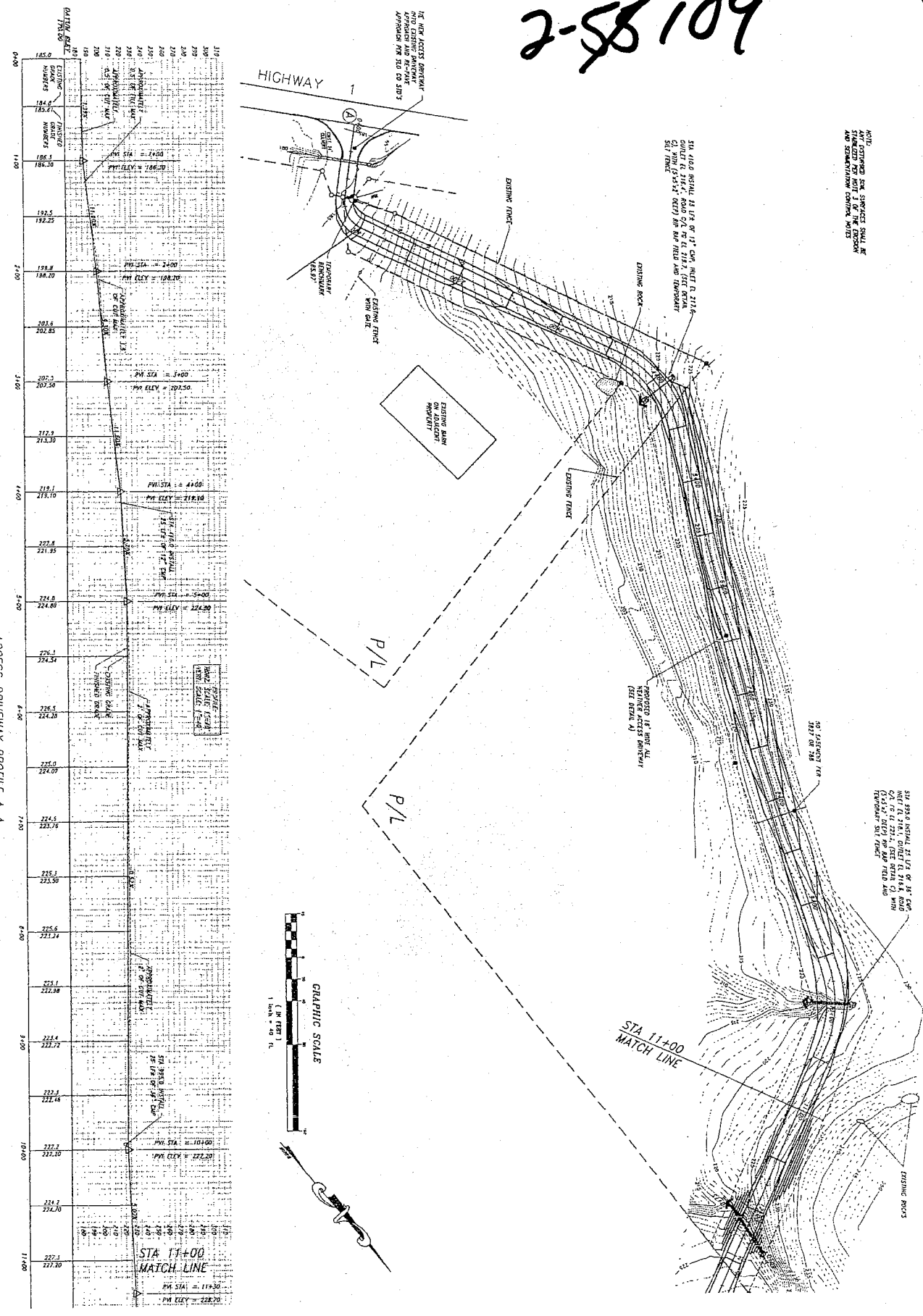
REVISIONS				DESCRIPTION
NO.	BY	DATE		

ACCEPTED BY: _____
DATE: _____

STAMPED COPY TO: _____

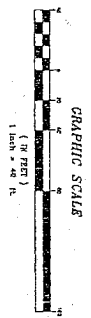
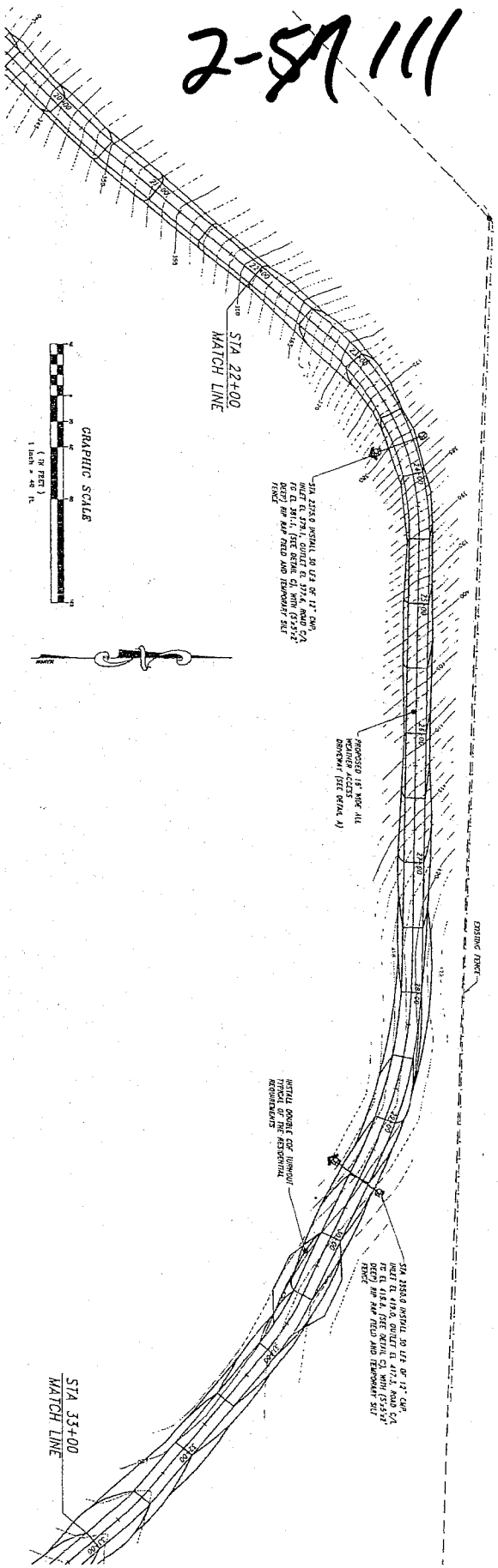
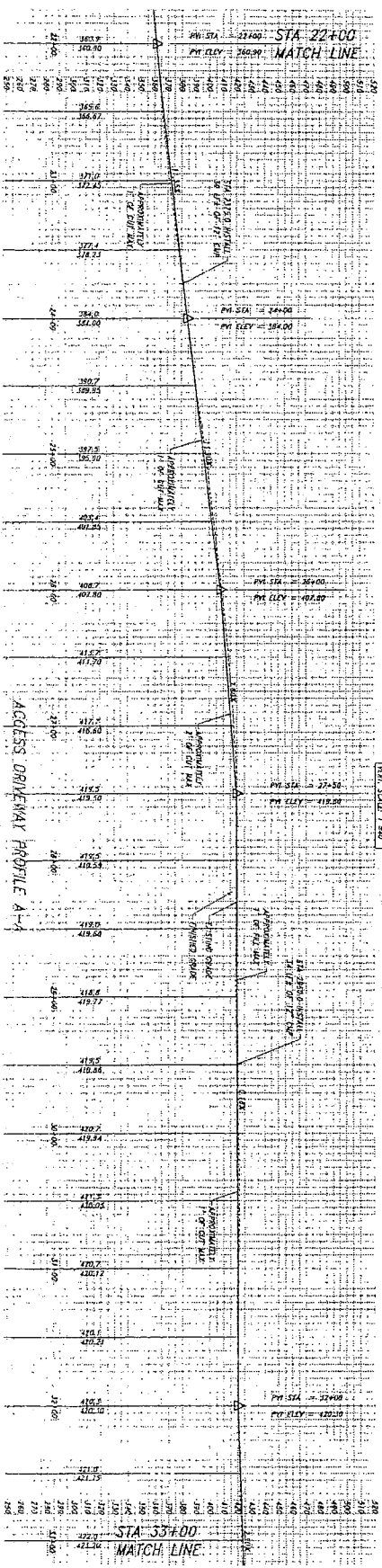
2-58109

NOTE:
 ALL CONFORMING SURVEY SHALL BE
 ACCORDING TO THE STANDARD
 AND SPECIFICATION CONTAINED HEREIN



ACCESS DRIVEWAY PLAN & PROFILE STA 0+00 TO 11+00 JIM MALOUIN RESIDENCE PARCEL 2, OF CO 75-214 (12PM37) APN: 046-061-010 & 046-061-011 CARRILLO HIGHWAY (HWY 1) HARMONY, CA. COUNTY OF SAN LUIS OBISPO		DESIGNED BY: ERIC J. GOBLER CIVIL ENGINEERING 9110 ATASCADERO AVE ATASCADERO, CA. 93422 (805) 466-8432 (805) 466-6465 FAX (805) 459-3269 CELL	REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>BY</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	BY	DATE	DESCRIPTION												
NO.	BY	DATE	DESCRIPTION																
SHEET NO. 4 OF 9 DATE: JANUARY 2005 SCALE: E.L.D. DRAWN BY: E.J.G. CHECKED BY: M.O.T. TITLE: ACCESS DRIVEWAY PLAN & PROFILE STA 0+00 TO 11+00		COUNTY ENGINEER DATE:																	

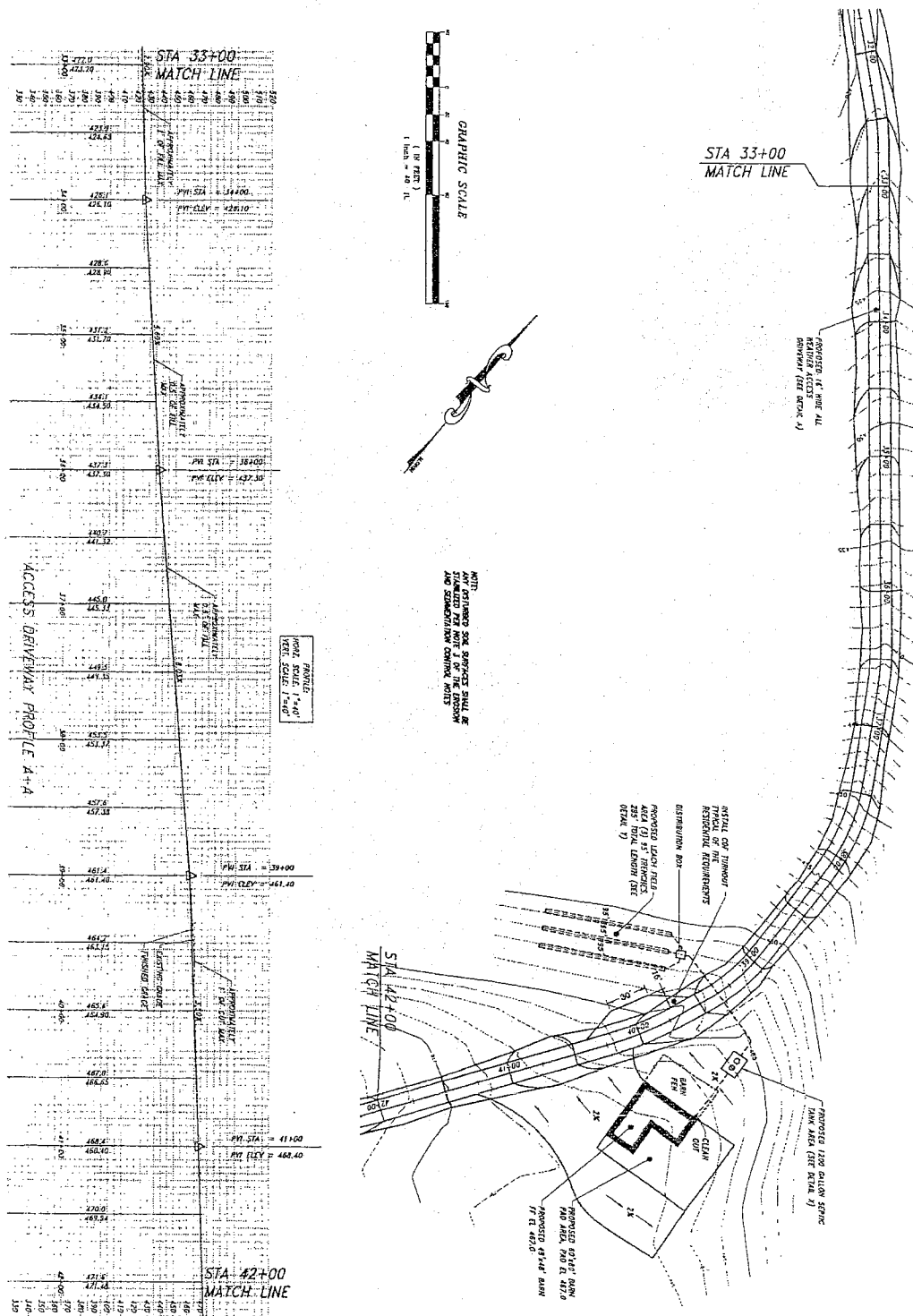
2-57111



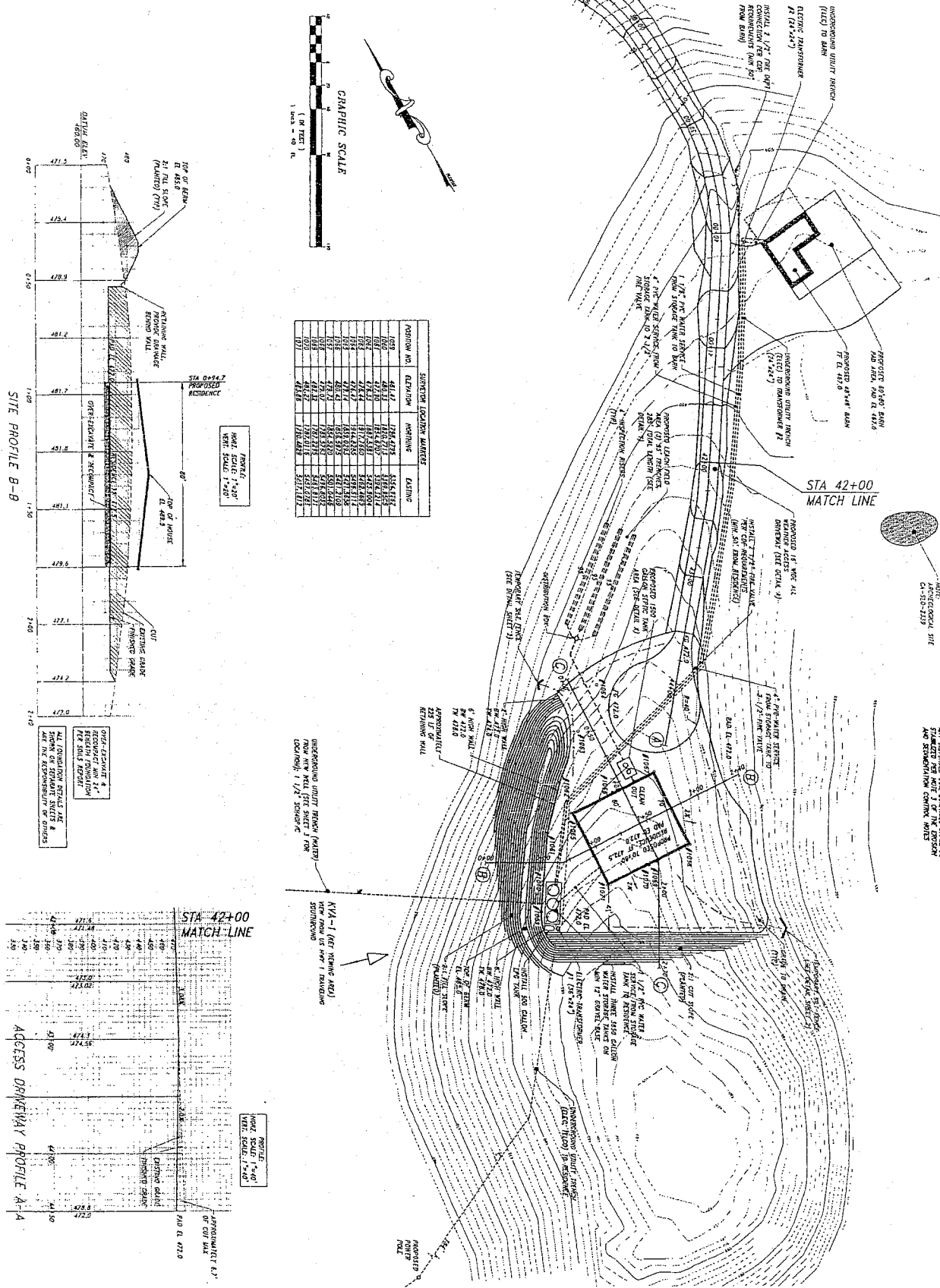
NOTE: PROPERTY LINE SHOWN SHALL BE
STANDARD FOR THE AREA
AND SEPARATION FROM ADJACENT
LANDS

ACCESS DRIVEWAY PROFILE A-1

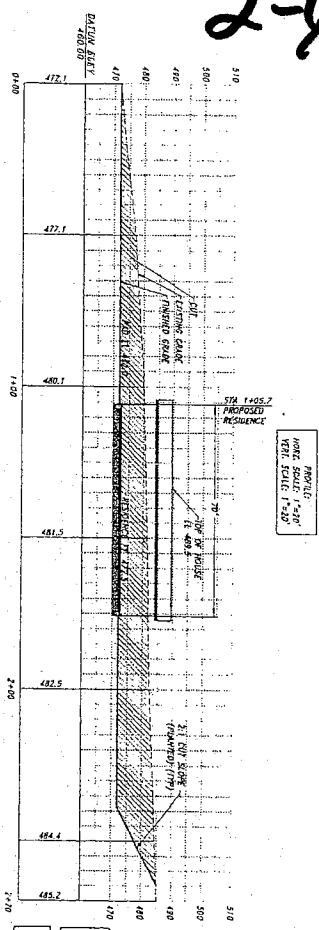
<p>ACCESS DRIVEWAY PLAN & PROFILE STA 22+00 TO 33+00</p> <p>JIM MALQUIN RESIDENCE PARCEL 2, OF CO 75-214 (18PW37) APN: 046-061-010 & 046-061-011 CARRILLO HIGHWAY (HWY 1) HARMONY, CA. COUNTY OF SAN LUIS OBISPO</p>		<p>ERIC J. GOBLER CIVIL ENGINEERING 5110 ATASCADERO AVE ATASCADERO, CA. 93422 (805) 466-8632 (805) 466-6465 FAX (805) 459-3268 CELL</p>		<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>BY</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>ACCEPTED BY: _____</p> <p>DATE: _____</p>		NO.	BY	DATE	DESCRIPTION																
NO.	BY	DATE	DESCRIPTION																						

[illegible]

2-59113

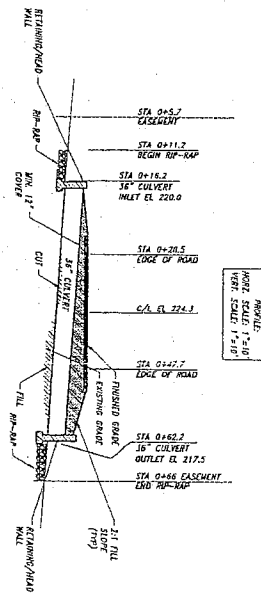


<p>ACCESS DRIVEWAY PLAN & PROFILE STA 42+00 TO 46+25</p> <p>JIM MALOUIN PARCEL 2 OF CO 75-214 (18PH37) APRC 048-051-010 & 048-051-011 CARRILLO HIGHWAY (HWY 1) HARMONY, CA.</p> <p>COUNTY OF SAN LUIS OBISPO</p>		<p>ERIC J. GOBLER CIVIL ENGINEERING</p> <p>9110 ATASCADERO AVE ATASCADERO, CA. 93422</p> <p>(805) 466-8632 (805) 466-8445 FAX (805) 466-3268 CELL</p>		<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>BY</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </table> <p>ACCEPTED BY: _____</p> <p>CHECKED BY: _____</p>		NO.	BY	DATE	DESCRIPTION																
NO.	BY	DATE	DESCRIPTION																						
<p>DATE: JANUARY 2003</p> <p>SCALE: 1"=40'</p> <p>PROJECT: 03-118 REV 3</p>		<p>PROJECT: 03-118 REV 3</p> <p>DATE: JANUARY 2003</p> <p>SCALE: 1"=40'</p>		<p>PROJECT: 03-118 REV 3</p> <p>DATE: JANUARY 2003</p> <p>SCALE: 1"=40'</p>																					



SITE PROFILE C-C

OVER-EXHAUST &
RETRACT W/IN 24"
BENEATH FOUNDATION
PER SOILS REPORT



36" CULVERT PROFILE (STA 1211.95)

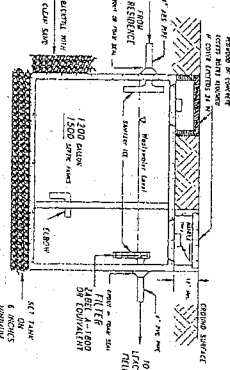
SELECTING MOTIVES

1. EVERY DATA CATEGORY SHOULD BE AT LEAST 1500 CHARACTERS AND AT LEAST 1000 WORDS LONG. (THIS DOES NOT MEAN THAT ALL DATA SHOULD BE 1500 CHARACTERS LONG. IT MEANS THAT ALL DATA SHOULD BE AT LEAST 1500 CHARACTERS LONG.)
2. ALL PAPERS TO HAVE TITLE, THE TITLE PAGE SHOULD BE A NEW FILE, SEPARATE FROM THE MAIN BODY OF THE FILE. THE TITLE PAGE SHOULD BE PLACED AND SAVED SEPARATELY, SEPARATE FROM THE MAIN BODY OF THE FILE.
3. DO NOT THINK ABOUT HOW TO PUT INFORMATION IN THE FILE.
4. EVERY RESEARCHER IS RESPONSIBLE TO MAKE SURE AT LEAST IS LEFT TO "OUTLINE" AT THE TOP OF THE RESEARCH REPORT.
5. THE LEAD RESEARCHER IS RESPONSIBLE FOR THE RESEARCH REPORT.

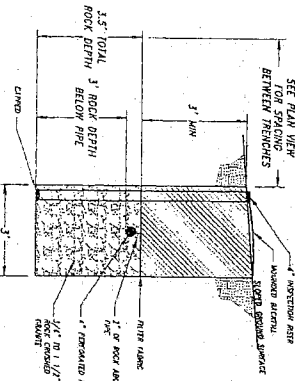
SISTEM TITRE	TOTAL LENGTH (A)	WIDTH	TOTAL DEPTH	ROCK DEPTH (B)
GRAVEL (D)	295'	3"	6' MIN	3"
GRAVEL (D)	285'	3"	6' MIN	3"

- [illegible]

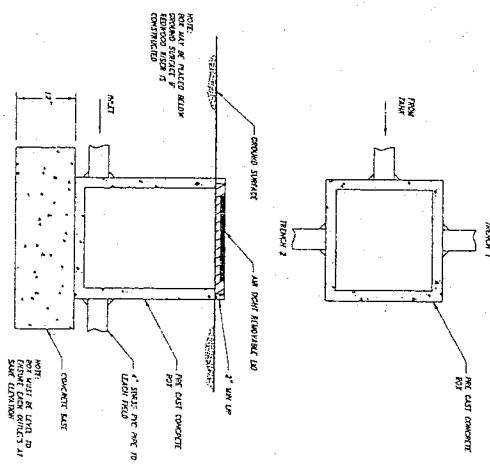
SEPTIC TANK SECTION



LEACH FIELD (DETAIL Y)



DISTRIBUTION BOX (DETAIL 2)

[illegible]

ERIC J. GOBLER
CIVIL ENGINEERING

9110 ATASCADERO AVE
ATASCADERO, CA. 93422

(805) 466-8632
(805) 466-6465 FAX
(805) 459-3268 CELL

EG

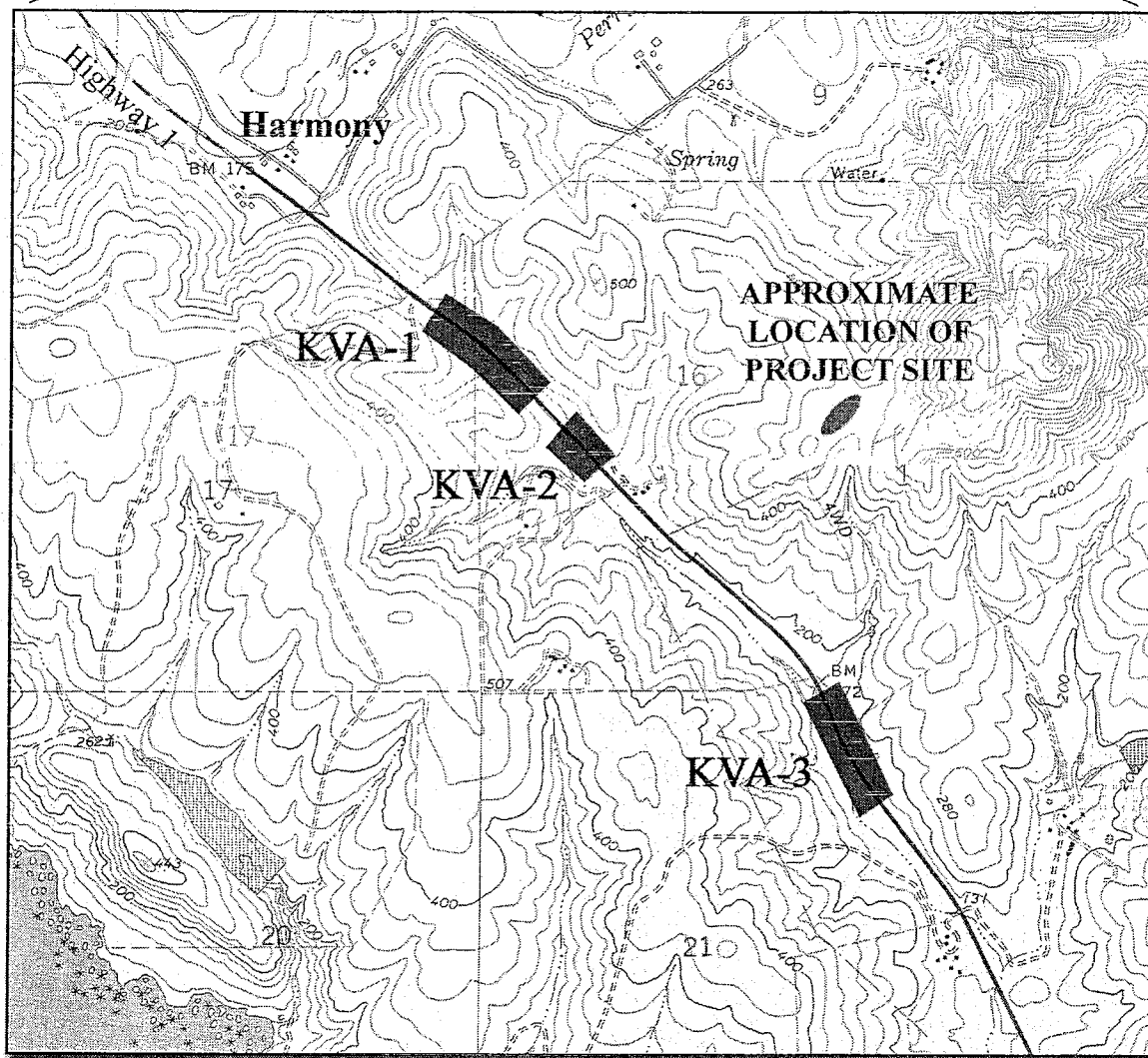
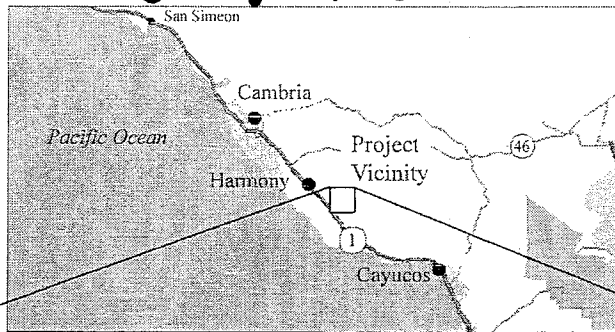
GRADING, DRAINAGE, SEPTIC NOTES & DETAILS

JIM MALOUIN
PARCEL 3, OF CO 75-214 (18PM37)
APNs: 046-061-010 & 046-061-011
CABRILLO HIGHWAY (Hwy 1) HARMONY, CA.

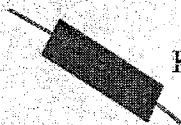
COUNTY OF SAN LUIS OBISPO

PROJECT NO.	02-116 REV 9
DATE	JANUARY 2006
NOISE PM	E.O.
NOISE AM	<i>3.00</i>
DIRECTED PM	E.O.
SCALE	NOTED
DATE	10

2-4115



No Scale
Source: USGS



Key Viewing Area along highway corridor

Malouin Residence
State Highway 1
Harmony, CA

VIEWING LOCATION MAP

Key Viewing Areas

2-60 116

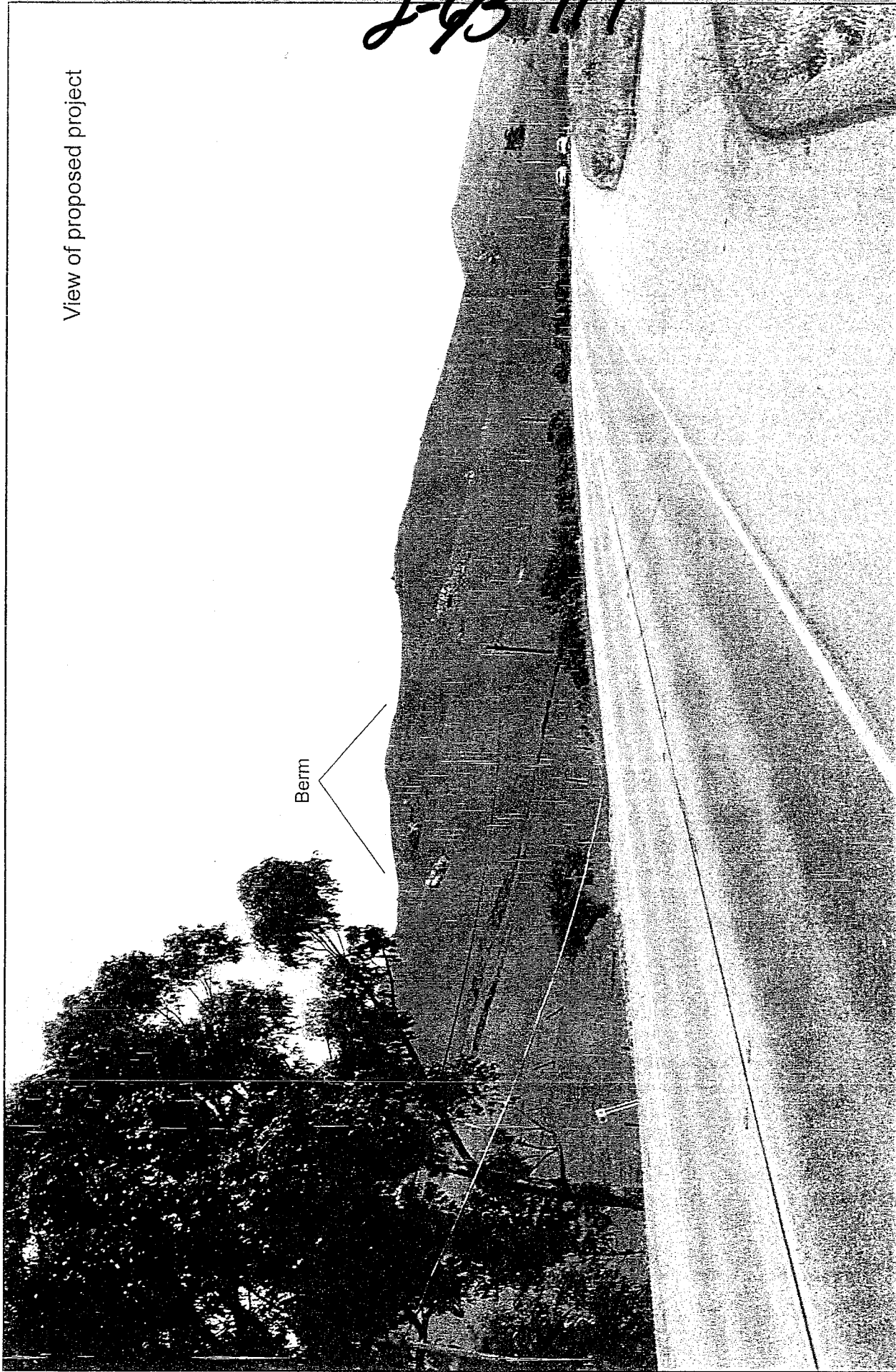
Existing view

Project site

KEY VIEWING AREA 1
From southbound Highway 1
Figure 4

This photograph was taken with a
50mm lens, and is similar to the view
seen with the un-aided human eye.

VISIBILITY ANALYSIS
Malouin Residence
HARMONY, SAN LUIS OBISPO COUNTY



View of proposed project

Berm

2-63 117

VISIBILITY ANALYSIS

Malouin Residence
HARMONY, SAN LUIS OBISPO COUNTY

This photograph was taken with a 50mm lens, and is similar to the view seen with the un-aided human eye.

KEY VIEWING AREA 1

From southbound Highway 1

Figure 5

View of proposed project
with zoom lens

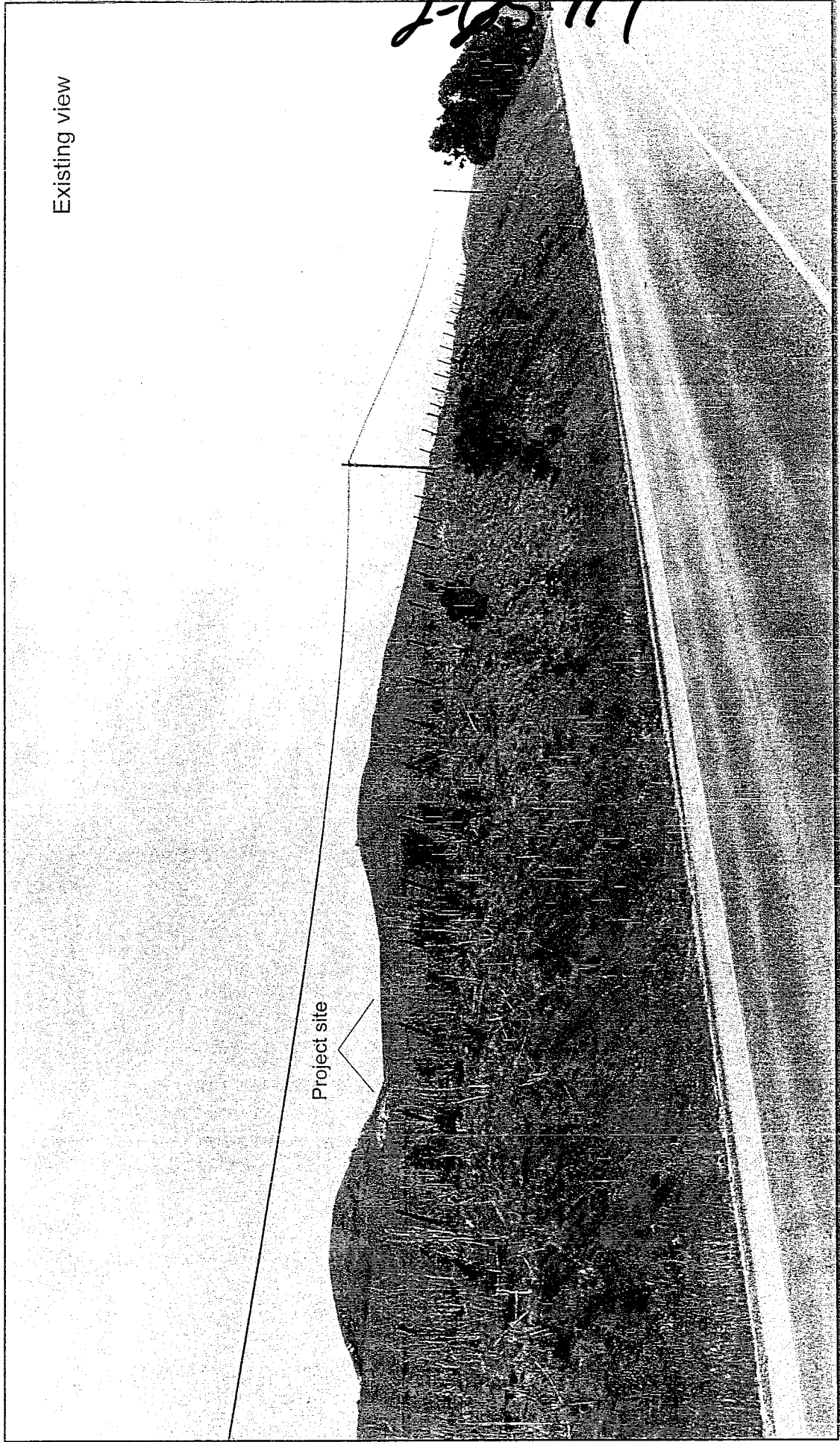
Berm

2-68 118

VISIBILITY ANALYSIS
Malouin Residence
HARMONY, SAN LUIS OBISPO COUNTY

This photograph was taken with a
200mm zoom lens to show the visual
changes in closer detail.

KEY VIEWING AREA 1
From southbound Highway 1
Figure 6



Existing view

Project site

2-65 119

VISIBILITY ANALYSIS
Malouin Residence
HARMONY, SAN LUIS OBISPO COUNTY

This photograph was taken with a
50mm lens, and is similar to the view
seen with the un-aided human eye.

KEY VIEWING AREA 2
From southbound Highway 1
Figure 7

View of proposed project

Berm

2-66/70

VISIBILITY ANALYSIS
Malouin Residence
HARMONY, SAN LUIS OBISPO COUNTY

This photograph was taken with a
50mm lens, and is similar to the view
seen with the un-aided human eye.

KEY VIEWING AREA 2
From southbound Highway 1
Figure 8

2-67121

View of proposed project
with zoom lens

Berm

VISIBILITY ANALYSIS
Malouin Residence
HARMONY, SAN LUIS OBISPO COUNTY

This photograph was taken with a
200mm zoom lens to show the visual
changes in closer detail.

KEY VIEWING AREA 2
From southbound Highway 1
Figure 9

Existing view

Project site

258122

VISIBILITY ANALYSIS
Malouin Residence
HARMONY, SAN LUIS OBISPO COUNTY

This photograph was taken with a
50mm lens, and is similar to the view
seen with the un-aided human eye.

KEY VIEWING AREA 3
From northbound Highway 1
Figure 10

249173

View of proposed project

Berm

This photograph was taken with a 50mm lens, and is similar to the view seen with the un-aided human eye.

KEY VIEWING AREA 3
From northbound Highway 1
Figure 11

VISIBILITY ANALYSIS
Malouin Residence
HARMONY, SAN LUIS OBISPO COUNTY

2-708724

View of proposed project
with zoom lens

Berm

KEY VIEWING AREA 3
From northbound Highway 1
Figure 12

This photograph was taken with a
200mm zoom lens to show the visual
changes in closer detail.

VISIBILITY ANALYSIS
Malouin Residence
HARMONY, SAN LUIS OBISPO COUNTY

2-7125

DATE: October 27, 2005

**DEVELOPER'S STATEMENT FOR
MALOUIN CONDITION USE PERMIT / COASTAL DEVELOPMENT PERMIT
ED04-231 (DRC2004-00066)**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

Aesthetics Mitigation

AS-1 At the time of application for construction permits, the applicant shall provide an exterior lighting plan. The plan shall include the height, location, and intensity of **all** exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from Highway 1 and the key viewing areas identified in the visibility assessment (April 2004). All lighting poles, fixtures, and hoods shall be dark colored. This plan shall be implemented **prior to final inspection or occupancy, whichever occurs first**.

AS-2 Prior to framing inspection and after completion of rough grading of the site and berm, a qualified visual resource expert shall verify the effectiveness and appearance of the berm relative to the proposed structure. Reference flags or markers shall be erected at the critical dimensions of the proposed residential and barn structure. The project site shall be viewed from the key visibility areas along Highway 1 identified in the Visibility Assessment, Morro Group, April 2004. If it appears after the final grading the residence will be visible above the berm, recommendations shall be made to eliminate such visibility. If necessary, final adjustments shall be implemented to ensure that the berm will successfully hide the structure and will appear as a naturally occurring landform.

AS-3 Prior to final inspection, to the greatest extent possible, final grading of the berms and all other earthwork shall be constructed with a rounded transition between adjacent slope and grade-angles. The radius of the rounding shall be as large as possible. This slope rounding measure will reduce the angular appearance of the berms and other earthwork as seen from State Highway 1 and the Key Viewing Areas.

AS-4 Topsoil from all disturbed areas shall be removed, stockpiled, and reapplied during final grading as a surface layer to the entire berm. This measure will reduce the potential visible contrast between the berm and the adjacent hillside and will promote grass growth.

AS-6 Absolutely no trees, shrubs, or ground cover shall be planted on or around the earthen berm such that the plant would be visible from Highway 1. No trees or shrubs shall be

2-28 126

planted between the residence and the residence side of the surrounding berm that will extend above the height of the berm and consequently be seen from Highway 1. Only grasses similar to the existing grass on the adjacent hillsides shall be planted on the side of the berm visible from the highway. No supplemental irrigation shall be applied to the grasses once they have been established. This measure will reduce noticeability of the project site, and will minimize visual contrast between the project site and the adjacent landcover.

AS-7 An erosion control/ seeding plan shall be prepared by a qualified erosion control and revegetation expert and approved by the appropriate County representative. The erosion control strategy shall include a mechanical component such as erosion control blanket, as well as a seed mix consisting of grass species found on the adjacent hillsides. Successful erosion control measures will reduce the potential for gullyng and visual scars on the berm.

AS-8 The project applicant shall retain a qualified revegetation and erosion control expert to monitor the success of the erosion control and grass revegetation efforts for period of 2 years after construction. Between the months of October and April the monitor shall make bi-monthly site visits, identify any deficiencies, and recommend measures to fix deficiencies. The project applicant shall implement the recommendations of the monitor. The monitor shall provide an annual written report of the progress to the appropriate County representative.

Monitoring: Department of Planning and Building shall verify inclusion of required elements on plans in consultation with the Environmental Coordinator. Building inspector will verify compliance with approved plans.

AS-9 The roofs of the residential and barn structures should be designed with hipped rooflines. Roof and wall colors shall be limited to earth tones, muted greens, browns and grays and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building. No shiny metal or glazed tile roofing material shall be used. These measures will ensure visual compatibility between the structures and the setting if for some reason in the future the effectiveness of the berm is compromised.

Monitoring: Building inspector will verify compliance with the approved Color Board, in consultation with the Department of Planning and Building and the Environmental Coordinator.

AS-10 At the location shown on the project map (Figure 1), the top of the proposed water tanks shall be no higher than 4 ft. above the proposed grade of 480.0 (2 ft. lower than the top of the adjacent berm). If the water tanks are redesigned to be located along the north side of the residence, the top of the proposed water tanks shall be no higher than 13 ft. above the proposed grade of 480.0 (2 ft. lower than the top of the adjacent berm on the north side). This will result in effective visual screening of the water tanks as seen from Highway 1.

AS-11 No solid fencing or walls shall be installed if they can be seen from Highway 1. Fencing shall have an open character and be agricultural or rural in appearance. Colors shall be generally earth-tone, and white or light colored materials or paint shall not be used. No

2-13127

site amenities such as sheds, storage areas, stockpiles, etc. shall be built or placed along the outside of the berm. This measure will reduce visible contrast with the rural setting as seen from Highway 1.

AS-12 Planting of vegetation and/or construction of additional structures visible from Highway 1 may result in significant visual impacts. A visual analysis shall be conducted for future site improvements potentially visible from Highway 1.

AS-13 Prior to final inspection, the applicant shall provide verification (by means of consultation with the projects visual consultant and written documentation) that all required recommendations to reduce project visibility (numbers 1-10) have been implemented to the satisfaction of the County of San Luis Obispo per the recommendation of the Visibility Assessment, Morro Group, April 2004.

Monitoring: Department of Planning and Building shall verify inclusion of required elements on plans in consultation with the Environmental Coordinator. Building inspector will verify compliance with approved plans.

Air Quality Mitigation

AQ-1 During the site-disturbance and/or construction phase, the applicant shall reduce the amount of the disturbed area where possible.

AQ-2 During the site-disturbance and/or construction phase, the applicant shall use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water shall be used whenever possible.

AQ-3 During the site-disturbance and/or construction phase, all dirt stock-pile areas shall be sprayed daily as needed.

AQ-4 During the site-disturbance and/or construction phase, permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.

AQ-5 Upon completion of initial site-disturbance/grading activities, exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.

AQ-6 Upon completion of site-disturbance/grading activities, all disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.

AQ-7 All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

AQ-8 During the site-disturbance and/or construction phase, vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

2-74128

AQ-9 During the site-disturbance and/or construction phase, all trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

AQ-10 During the site-disturbance and/or construction phase, install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.

AQ-11 During the site-disturbance and/or construction phase, sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

Biological Resource Mitigation

BR-1 Prior to issuance of construction permits, the limits of disturbance shall be shown on the project plans. Ground disturbance shall be confined to the smallest possible area during grading and construction activities.

Monitoring: Compliance will be verified by the Department of Planning and Building in consultation with the Environmental Coordinator. Building inspector will verify compliance with approved plans.

BR-2 Prior to issuance of construction permits and prior to conducting any ground disturbance work, a qualified botanist shall develop a restoration and monitoring plan that will be approved by the County Planning Department prior to its implementation. The restoration and monitoring plan shall include the following activities:

1) Prior to any ground disturbing activities, a qualified botanist shall inventory the area to be impacted (impact area) and record the number of paintbrush plants to be removed, the number of paintbrush plants in the surrounding area that will not be removed, and document all the number of each species of other associated plant species in the impact area. Similarly, the paintbrush populations on the remainder of the property shall be accurately mapped and counted.

2) Topsoil from the impact area shall be collected and stockpiled until project activities cease, after which the topsoil shall be replaced on the cut and fill slopes.

3) At least one year from restoring the topsoil to the cut and fill slopes, a qualified botanist shall monitor the plant regeneration in the impact area by documenting the numbers of paintbrush plants that regenerate in the area. The number of each species of other associated plants shall also be documented in the impact area. Monitoring efforts should be conducted during the flowering period for the paintbrush so that it can be identified if it occurs in the impact area.

4) At the conclusion of the monitoring effort, the botanist shall submit a monitoring report to the County Planning Department documenting the findings of the restoration efforts. If plants do not regenerate the first year, monitoring in two subsequent years during the paintbrush flowering period shall be required, with submittal of a monitoring report to the County. Upon approval of the final monitoring report by the County, restoration efforts would cease.

2-25129

BR-3 Prior to issuance of construction permits, an open space easement shall be established over the remaining paintbrush populations. The easement shall be located away from roads and areas that receive on-going maintenance.

Monitoring: Department of Planning and Building shall verify inclusion of required elements on plans in consultation with the Environmental Coordinator. Building inspector will verify compliance with approved plans.

Cultural Resource Mitigation

CR-1 Prior to issuance of construction permits, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The consulting archaeologist responsible for the monitoring program shall be provided with a copy of the previous archaeological investigations (Singer, 2004). The monitoring plan shall include at a minimum:

- A. List of personnel involved in the monitoring activities;
- B. Description of how the monitoring shall occur;
- C. Description of frequency of monitoring (e.g. full-time, part-time, spot checking);
- D. Description of what resources are expected to be encountered;
- E. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
- F. Description of procedures for halting work on the site and notification procedures;
- G. Description of monitoring reporting procedures.

Monitoring: Department of Planning and Building shall verify inclusion of required elements on plans in consultation with the Environmental Coordinator. Building inspector will verify compliance with approved plans.

CR-2 Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.

Monitoring: Department of Planning and Building shall verify inclusion of required elements on plans in consultation with the Environmental Coordinator. Building inspector will verify compliance with approved plans.

2-76130

Geology and Soils Mitigation

- GS-1** Cut and fill slopes of 2:1 are recommended for newly created cut and fill slopes.
- GS-2** **Upon completion of grading activities and as soon as feasible**, drainage improvements shall be installed to handle winter rainfall runoff in the vicinity of the proposed structures and roadway and designed to prevent erosion.
- GS-3** **Prior to issuance of construction permits**, the roadbed design shall be based on sampling and testing of the underlying rock. The results of the sampling and testing shall be submitted with the proposed road design.
- GS-4** The location of the on-site wastewater disposal system shall be located a minimum of 50 feet from any structure and sited where adequate percolation rates and sufficient unsaturated permeable sediments or rock are present. Disposal sites shall be located away from steep slopes where surfacing effluent could occur.
- GS-5** The project engineer shall observe the leach field excavations to ensure compliance with the recommendations of the geotechnical reports and present the findings in an "as-graded" report prepared by the engineer of record **prior to final inspection**.
- GS-6** **Prior to issuance of construction permits**, the applicant shall submit a Storm Water Pollution Prevention Plan to the Department of Planning and Building.
- GS-7** **Prior to issuance of construction permits**, the applicant shall submit a sedimentation and erosion control plan (CZLUO Section 23.05.036) for review and approval by the County Planning Department.
- GS-8** **Prior to issuance of construction permits**, the applicant shall submit a drainage plan (CZLUO Section 23.05.042) for review and approval by the County Planning Department.

Monitoring: Department of Planning and Building shall verify inclusion of required elements on plans in consultation with the Environmental Coordinator. Building inspector will verify compliance with approved plans.

Hazards and Hazardous Materials

- HM-1** To minimize potential fire safety impacts, the applicant agrees to abide by the recommendations made by the California Department of Forestry (November 2, 2004 letter), and the Fire Safety Standards (CZLUO Sec. 23.05.086). All conditions stated in the fire safety plan shall be met **prior to final inspection**.

Monitoring: Compliance will be verified by the California Department of Forestry as a part of the required Fire Safety Plan to be approved prior to occupancy.

Transportation Mitigation

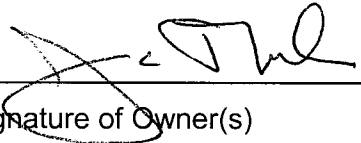
- TR-1** **Prior to issuance of construction permits**, the applicant shall apply for an encroachment permit from The California Department of Transportation (Caltrans) and submit a written acknowledgement from the department permits office stating that the

2-27 131

driveway connection to State Route 1 has been designed to the satisfaction of the state engineering and environmental standards.

Monitoring: The Planning and Building Department, in consultation with the California Department of Transportation.

The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

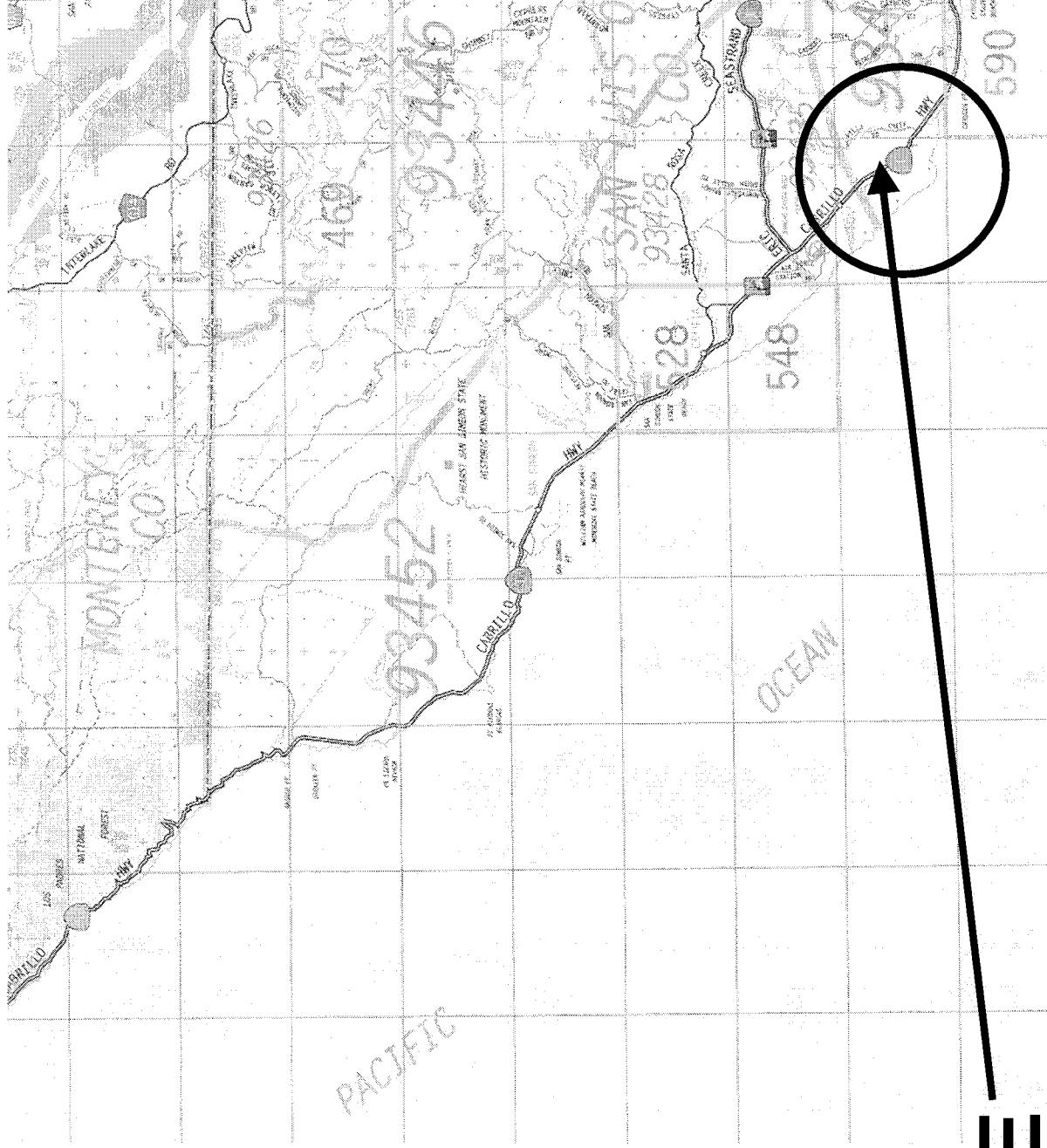


Signature of Owner(s)

Date 10/28/05

JAMES P. MALOUIN
Name (Print)

2-28 137



SITE

PROJECT

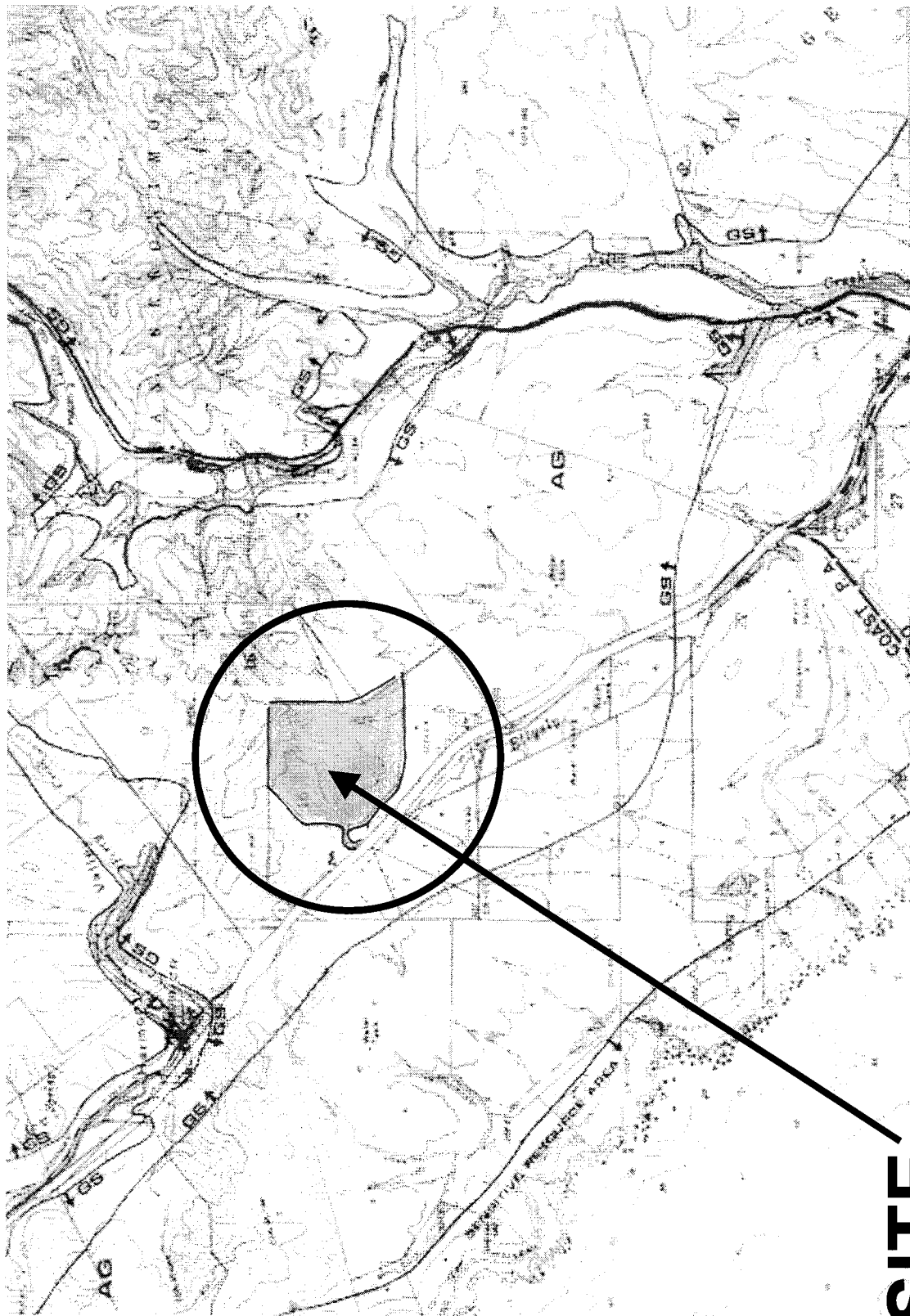
Conditional Use Permit
Malouin DRC2004-00066

EXHIBIT

Vicinity Map



2-24-133



SITE

PROJECT

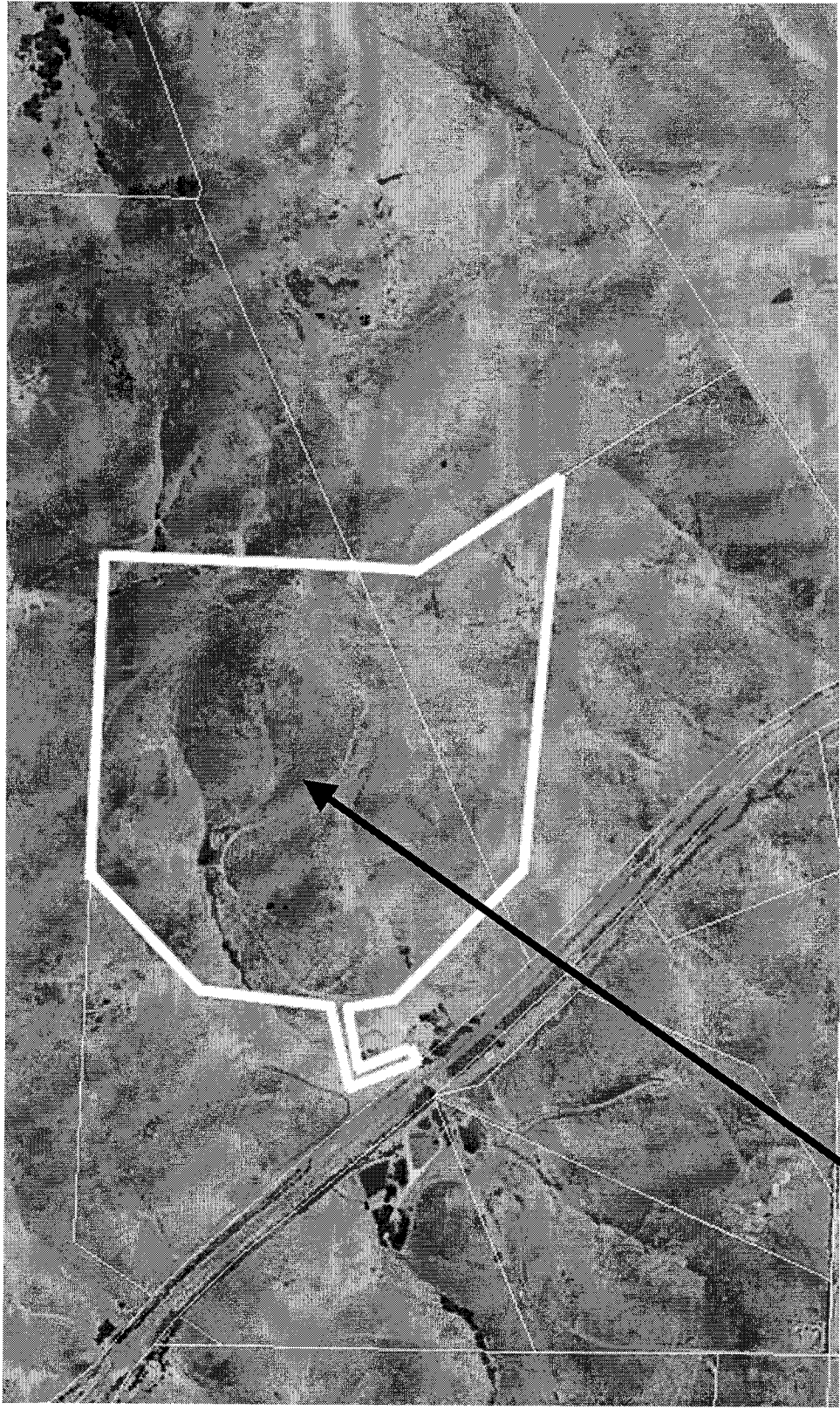
Conditional Use Permit
Malouin DRC2004-00066

EXHIBIT

Land Use Category



2-80 134



SITE

EXHIBIT

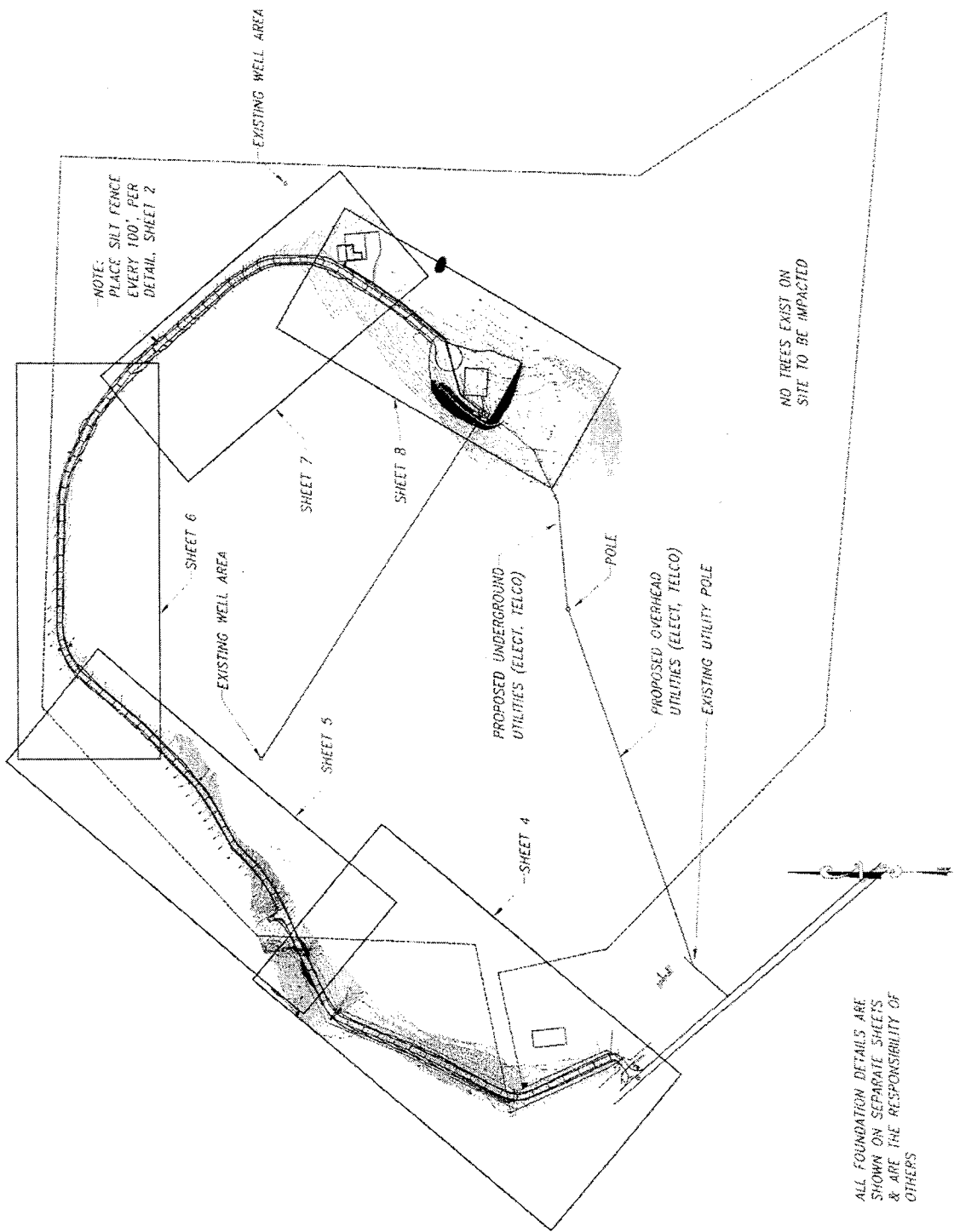
Aerial



PROJECT

Conditional Use Permit
Malouin DRC2004-00066

2-81135



EXHIBIT

Site Plan



PROJECT

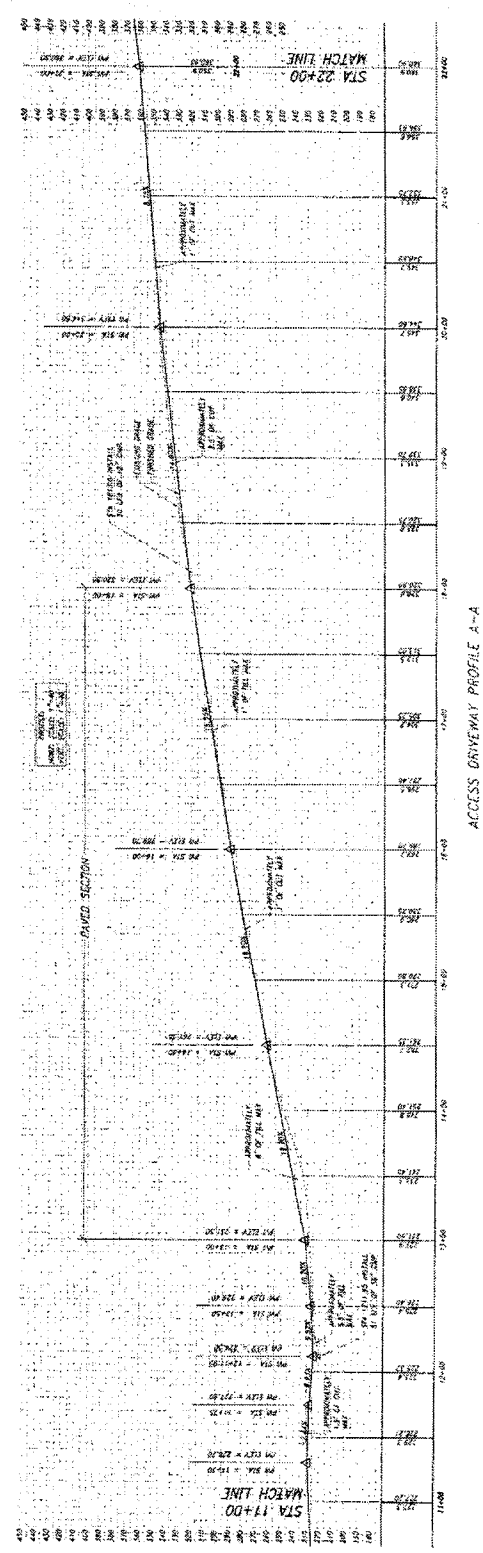
Conditional Use Permit
Malouin DRC2004-00066



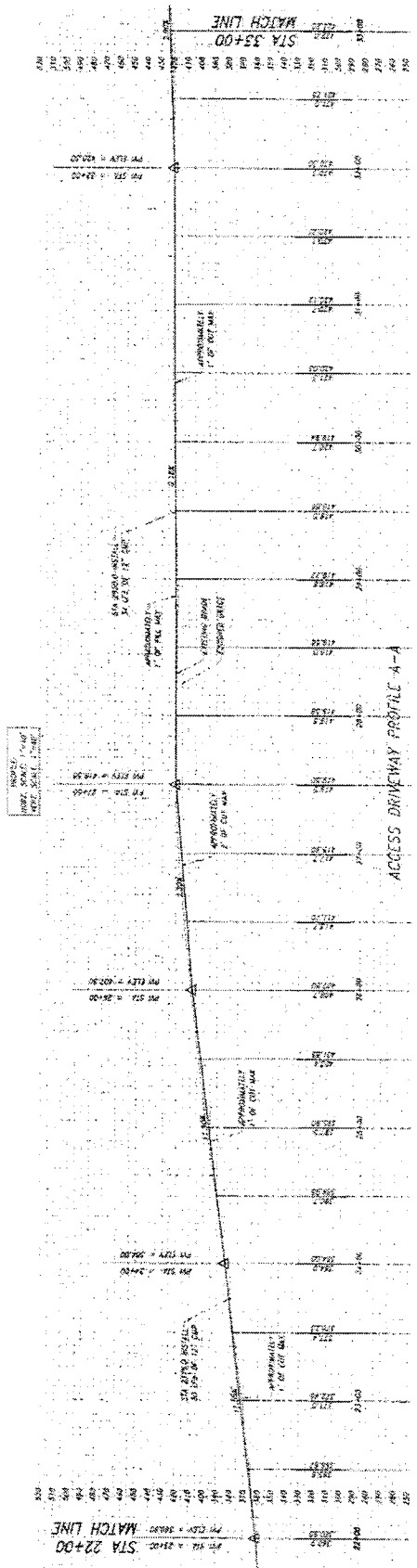
EXHIBIT



PROJECT
Conditional Use Permit
Malouin DRC2004-00066



~~2-84~~ 138



PROJECT

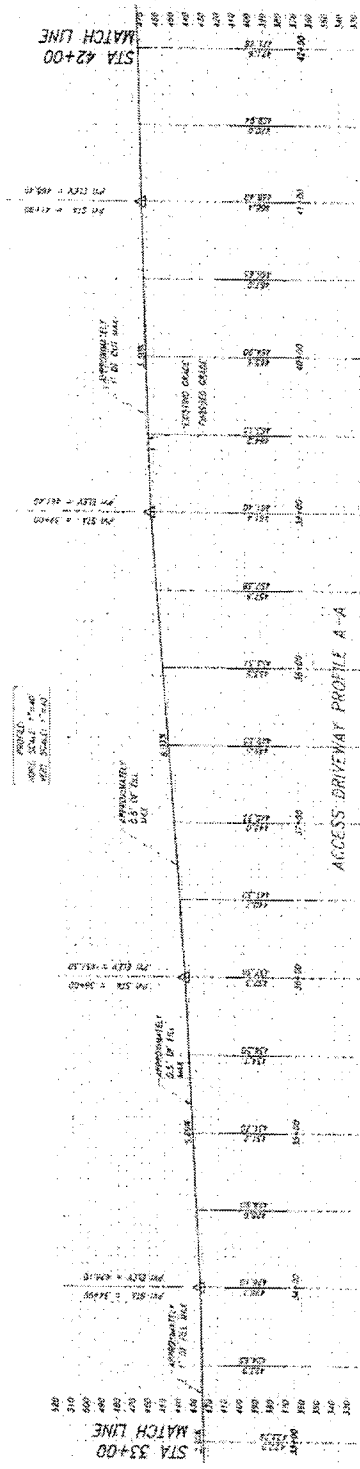
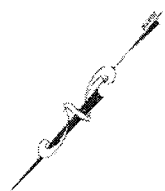
Conditional Use Permit

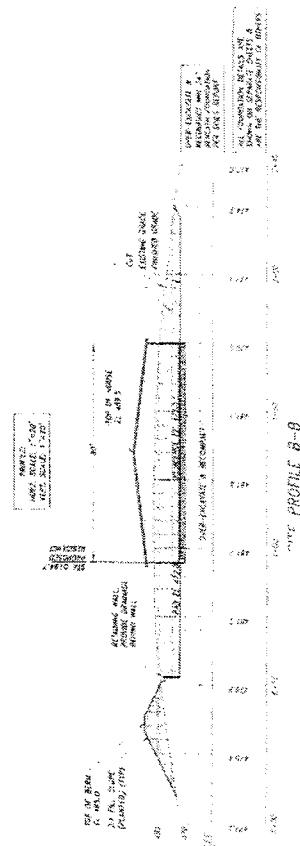
Malouin DRC2004-00066

EXHIBIT

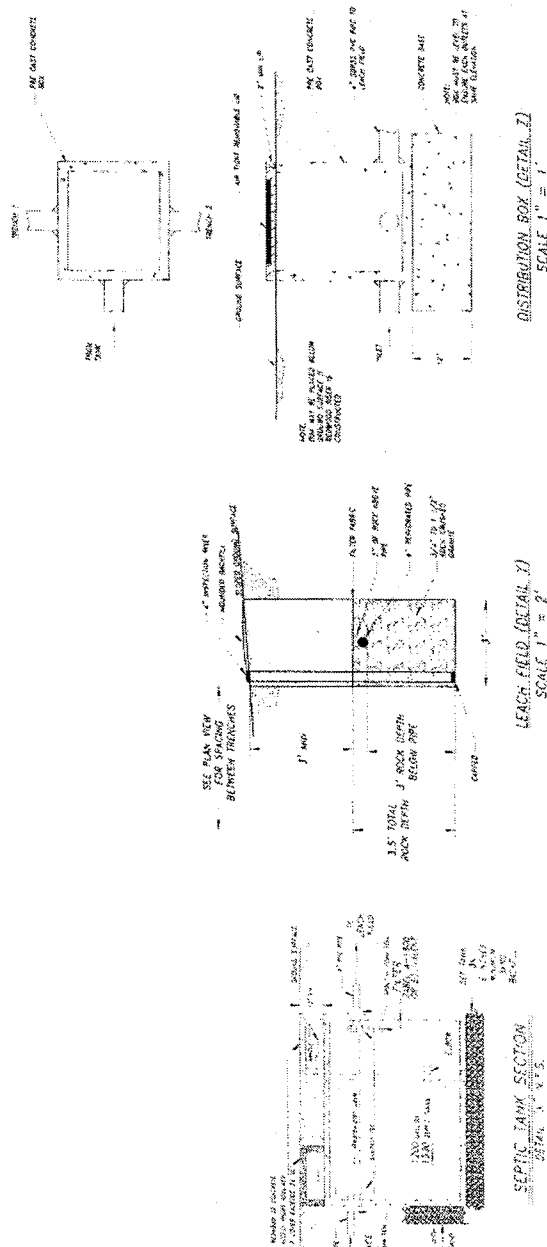
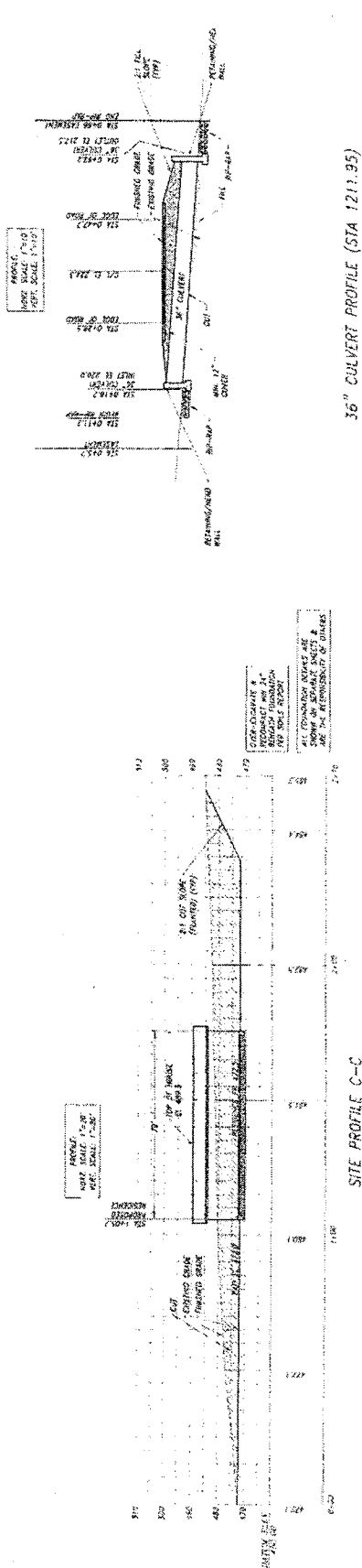
Driveway Plan







~~2-87 141~~



PROJECT

PROJECT
Conditional Use Permit
Malouin DRC2004-00066



EXHIBIT

Grading, drainage, and septic details

